A Companion to American Thought

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BLACKWELL
Oxford UK & Cambridge USA

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Abbott, Edith (b. Grand Island, Neb., Sept. 26, 1876; d. Grand Island, Neb., July 28, 1957). Social worker. The first dean of the University of Chicago's School of Social Service Administration (1924–42), Abbott was committed to the professionalization of social work. She argued that a new stress on scientific knowledge and expertise must replace the charity workers' older reliance upon personality and intuition. She urged both Hoover and Roosevelt to institute a comprehensive system of social insurance. Like her younger sister Grace, head of the Immigrants' Protective League and later of the U.S. Children's Bureau, Edith was particularly concerned about expanding the opportunities available to immigrants and working-class women. Cofounder with SOPHONISBA BRECKINRIDGE of the *Social Service Review* (1927), she wrote more than a hundred books and articles, including *Women in Industry* (1910), *The Real Jail Problem* (1915), *Immigration: Select Documents and Case Records* (1924), and *Public Assistance* (1941).

See also PROFESSION; WELFARE.

FURTHER READING

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abortion The termination of a pregnancy, by the loss or destruction of the embryo/fetus before birth, may be spontaneous or induced. In contemporary usage spontaneous abortions are generally referred to as "miscarriages"; the term "abortion" commonly denotes the intentional termination of a pregnancy.

Since antiquity, there have been numerous techniques for inducing abortion. Women may ingest substances ("abortifacients") or engage in physical activities intended to disrupt pregnancy; they may use surgical implements on themselves or submit to procedures by others. Just as techniques for inducing abortion have varied over time and across cultures, so too have the types of regulation to which the procedure is subject. In the West, political, religious, and medical authorities have each played a role in regulating abortion, subjecting the practice to shifting and, at times, inconsistent regulatory constraints.

State regulation of abortion in the United States has evolved through three phases since the colonial era. Initially, the Anglo-American common law allowed abortion until the moment in pregnancy known as quickening—the first perception of fetal movement, typically during the fourth or fifth month of gestation. But by the mid-nineteenth century, most states in the U.S. had enacted legislation that criminalized abortion, and also contraception, unless prescribed for medical reasons. Finally, in the late twentieth century, the practices were legalized, first by legislative reform and then by constitutional decision; in this period, the United States Supreme Court declared that the constitutional right to privacy was broad enough to protect the practice of contraception (*Griswold v. Connecticut*, 1965) and abortion (*Roe v. Wade*, 1973).

Public law, however, is not an entirely reliable guide to the social status of birth control practices. Throughout the century in which contraception and abortion were subject to criminal prohibition, they were widely practiced, with and without the assistance of the medical profession. Moreover, since decriminalization, abortion and contraception remain subject to persistent forms of social censure that inhibit their practice. This discrepancy between law and social practice is due in part to the influence of religious and medical institutions, which have often proscribed or permitted birth control practices that diverge from those sanctioned by public law. The medical profession, for example, led the movement to criminalize birth control practices in the nineteenth century; it then provided increasing access to the outlawed procedures, and by the 1960s and 1970s generally supported their legalization. By contrast, organized religion played little role in the nineteenth-century movement to criminalize abortion and contraception, but now supplies some of the most vigorous leadership of the antiabortion movement, with many churches continuing to oppose public education concerning matters of contraception and some (notably the Catholic Church) forbidding "unnatural" forms of contraceptive practice altogether.

Regulating the practice of contraception and abortion is commonly justified on the grounds that any effort to prevent or terminate pregnancy threatens the sanctity of human life. This concern is especially pronounced in the case of abortion, where debate focuses on the ontological status of unborn life. One question typically dominates such disputes: Does the

embryo/fetus share the attributes of human life (religiously, philosophically, scientifically, or legally defined), so that abortion assumes the character of homicide? Simply put, "when does life begin?" At the moment of conception? At the implantation of the fertilized ovum in the uterus? At ensoulment? At the first sign of brain function? At the moment a pregnant woman first senses fetal movement? At "viability," when the fetus becomes capable of surviving outside the mother's womb? Or at birth? Scientific, religious, philosophical, and legal authorities, each reasoning within their own discursive frameworks, have reached answers to these questions which differ not only from one interpretive community to another, but shift over time within particular communities.

But regulatory conflicts over abortion cannot be understood by analyzing disputes about the ontological status of the embryo/fetus alone. To appreciate why this society both tolerates and condemns the practice of abortion, one has to examine the practice in social context. Consider, for example, the reasons that women attempt to terminate (and to prevent) pregnancies. Women abort pregnancies for reasons rooted in the social conditions of motherhood: because they are concerned that bearing a child will injure their health, impoverish them or their families, impair their education or employment prospects, threaten a troubled relationship, bind them to men who have abused them or from whom they wish to separate, or because they may be left struggling for some two decades as a single parent. Society tacitly condones abortion for many of these reasons, but even under the most socially acceptable circumstances, the act still excites unease because it entails a fundamental breach of gender-role expectations. A woman seeking an abortion is a woman avoiding motherhood, and by violent means: she is destroying her own potential offspring. Moreover, abortion and contraception are practices that release human sexuality from its procreative consequences. It is because abortion and contraception are perceived to liberate human sexuality from procreation and to liberate women from motherhood that the practices and their regulation are the sites of profound social conflict.

Thus the regulation of birth control is shaped, not only by concerns about unborn life, but also by concerns about the structure of family life. Indeed, major epochs in the history of American birth control regulation correlate intriguingly with changes in family size, roles, and work patterns. The nineteenth-century campaign to criminalize birth control practices occurred as family size declined in the wake of the industrial revolution, and coincided with the first demands from woman's rights advocates for suffrage and for reform of marital status laws. Legalization of birth control practices in the twentieth century occurred as women's participation in the labor force was escalating, and coincided with the so-called "second wave" of feminist agitation for women's equality. (*See also* FEMINISM.) In the nineteenth century, the social anxieties informing the shift in birth control laws were openly expressed. While opponents of abortion and contraception voiced concern about protecting unborn life, they also urged criminalizing birth control practices in order to direct marital sexuality to procreative ends and to ensure that women performed their work as wives and mothers. By contrast, in the twentieth century, those who seek to restrict abortion have, at least in public, stressed the apparently gender-neutral question of when life begins.

But as controversy over the abortion right has escalated, numerous commentators have challenged this fetus-centered framework. The work of Rosalind Petchesky, Kristin Luker, Linda Gordon, Carroll Smith-Rosenberg, and James Mohr offers historical and sociological evidence that in debates about the regulation of abortion, concerns about protecting the unborn are entangled with assumptions about sexuality and MOTHERHOOD. Those who would protect the unborn by prohibiting abortion are willing to enforce the procreative consequences of sexual relations and to compel women who are resisting motherhood to perform the work of bearing and rearing children, whereas those who defend the abortion right are unwilling to impose motherhood upon women in this fashion.

After some two decades of wide-ranging controversy over *Roe v. Wade*, the Supreme Court itself seems to show a fuller appreciation of the gendered character of the abortion conflict. In *Planned Parenthood of Southeastern Pennsylvania v. Casey* (1992), the Court upheld waiting-period restrictions on abortion, insisting that the state has the power to protect the sanctity of human life by requiring women who seek abortions to meditate on the implications of their act. But it also reaffirmed women's privacy right, under *Roe*, to abort such pregnancies after due deliberation. In the *Casey* opinion, the Court identified constitutional reasons for protecting this privacy right not discussed in *Roe*. The Court observed that the state was obliged to respect a pregnant woman's decision about abortion because her

> suffering is too intimate and personal for the State to insist . . . upon its own vision of the woman's role, however dominant that vision has been in the course

> of our history and our culture. The destiny of the woman must be shaped to a large extent on her own conception of her spiritual imperatives and her place in society (p. 2807).

In short, the Court ruled that laws prohibiting abortion offend the Constitution because they use the power of the state to impose traditional sex roles on women.

For similar reasons, the Court struck down a provision of the Pennsylvania statute requiring a married woman to notify her husband before obtaining an abortion. The Court was concerned that, in conflict-ridden marriages, forcing women to inform their husbands about an abortion might deter them from "procuring an abortion as surely as if the Commonwealth had outlawed abortion in all cases" (p. 2829), and it ruled that the state lacked authority to constrain women's choices in this way. The notice requirement "give[s] to a man the kind of dominion over his wife that parents exercise over their children" (p. 2831), and thus reflects a "common-law understanding of a woman's role within the family," harkening back to a time when "'a woman had no legal existence separate from her husband, who was regarded as her head and representative in the social state . . .'" (pp. 2830–1, quoting *Bradwell v. Illinois*, 16 Wall. 130, 141 (1873) Bradley, J., concurring). "These views," the Court observed, "are no longer consistent with our understanding of the family, the individual, or the Constitution" (p. 2831).

Justice Blackmun, who authored *Roe*, endorsed the gender-conscious reasoning of the *Casey* decision, and drew upon it to advance the argument that restrictions on abortion offend constitutional guarantees of *equality* as well as privacy. In this equality argument, Justice Blackmun emphasized that abortion restrictions are gender biased in impetus and impact. When the state restricts abortion, it exacts the work of motherhood from women without compensating their labor because it assumes that it is women's "natural" duty to perform such labor:

> The State does not compensate women for their services; instead, it assumes that they owe this duty as a matter of course. This assumption—that women can simply be forced to accept the "natural" status and incidents of motherhood—appears to rest upon a conception of women's role that has triggered the protection of the Equal Protection Clause (p. 2847; citations and footnote omitted).

Restrictions on abortion do not stem solely from a desire to protect the unborn; they reflect, and enforce, social judgments about women's roles. While the abortion controversy is typically discussed as a conflict between an individual's freedom of choice and the community's interest in protecting unborn life, Justice Blackmun reframes the conflict. The community's decision to intervene in women's lives is no longer presumptively benign; its decision to compel motherhood is presumptively suspect, one more instance of the sex-role restrictions imposed on women throughout American history.

The Court's analysis of the constitutional question in *Casey* presents a challenge to those who would regulate abortion in the name of family and community values. In what ways is it legitimate to use the power of the state to enforce family and community relationships? Can a community express respect for the value of human life by means that constrain and instrumentalize women's lives? In reaffirming constitutional protection for the abortion right, *Casey* thus engaged the core questions of the abortion debate. What vision of family and community best respects, and protects, the value of human life? As long as these questions provoke controversy, so too will the practice of abortion.

R. SIEGEL

See also FEMINIST JURISPRUDENCE; WOMEN'S RIGHTS.

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