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A House Divided: Polarisation in the US

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A Woman's Right to Self-Determination

The United States are divided on a multitude of different issues. There are divisions along cultural, ideological and racial lines. These divisions have created an increasingly polarised country. The volatile nature of this polarisation is reflected within most political institutions. For instance, the Senate is divided between the two major US-parties: the Republicans and the Democrats, with each party holding 50 seats. This increasingly volatile polarisation occurs along various cleavages. One of these cleavages is the issue of whether a woman should have the right to an abortion. The country as well as the political parties are polarised into two camps: the self-proclaimed pro-life movement and the pro-choice movement. In the 1960s access to birth control and the right to have an abortion were important feminist issues. While the anti-choice movement already existed it was only a small fraction of what it is today. Ever since the Supreme Court granted women the right to an abortion in 1973 with the landmark case *Roe v. Wade*, the discourse about abortion became increasingly politicised. In the early seventies the issue of abortion was not a partisan one, with Republicans and Democrats agreeing and dissenting with it alike (Carmines et al. 1135). As of 2021 the landmark case has been challenged multiple times and has up until now not been overturned. Although not overturned, the precedent of *Roe v. Wade* has been continuously chipped away at. Currently the Democratic Party champions a woman's right to choose, while the Republican Party supports the Anti-Choice Movement (Klein 16). In general, Republican-led states have imposed multiple restrictions on a woman's right to choose.

The latest instance is the state of Texas passing legislation in which an abortion becomes completely illegal after the six-week mark, even in cases involving rape or incest. Furthermore, people who aid and assist in abortions after the six-week mark can be prosecuted. For many voters the access to abortion has become a wedge issue, which means they base their vote on where politicians or parties stand on this particular issue. This paper tries to investigate why abortion has become such a salient issue since *Roe v. Wade*. I argue that the underlying discourse of the anti-choice movement is less pro-life than it is anti-feminist, which I will try to prove via a discourse analysis between the years 1973-1992. Anti-feminism in turn provides an outlet for people who share feelings of disenfranchisement related to the more liberal interpretation of gender roles since the first wave of feminism. I chose these dates since they mark important milestones in the abortion discussion. In 1973 *Roe v. Wade* granted women the universal right to abortion within the first trimester. In 1992 *Casey v. Planned Parenthood* redefined several provisions and allowed states to introduce restrictions on abortion if they do not pose an undue burden on women.

In order to establish a timeline of abortion as a wedge issue I will provide a historical summary on the anti-choice movement. Before the Supreme Court legalised abortion in 1973 across all states, it was mostly illegal to get an abortion, except for so-called therapeutic abortions, in which abortion was legal in cases of rape, incest, foetal deformities or if the woman's physician decided that the continuation of the pregnancy would be a detriment to the woman's health. The 1960s harboured a distinct counter-culture movement, in which women's movements and organisations were part of reshaping the political American landscape (Karrer 49). Accordingly, the call to repeal anti-abortion laws grew louder, however it concurrently incentivised anti-choice groups to be formed. Such was the case in 1967 when the National Right to Life Committee (NRLC) was formed (Karrer 51).

In 1973 six of the nine Supreme Court Justices were appointed by Republican presidents. Nonetheless, the court ruled 7-2 that states were not allowed to place restrictions on abortion during the first trimester of a pregnancy. During the second trimester states were allowed to regulate abortion procedure, but only to protect the pregnant woman's health. States were allowed to prohibit abortion during the third and final trimester if childbirth would not endanger the woman's life. The trimester framework was purposefully laid out by the court, instead of citing foetal viability, so states would not be able to define the viability of a foetus as early as possible to restrict abortions (Irons 455). *Roe v Wade* legalised abortion by arguing that the right to privacy, as guaranteed by the Fourteenth Amendment, was broad enough to encompass a woman's decision whether to have an abortion (Irons 446).

The anti-choice backlash to *Roe v. Wade* started immediately. Less than a week after the decision was read out loud about 18,000 people joined a demonstration in Chicago. On the first anniversary of the Supreme Court decision Nellie Gray organised a demonstration in Washington DC, which drew an estimated crowd of 17,000 to 22,000 attendees. Gray's *March for Life* became an annual event and is to this day the most infamous and largest anti-choice protest in the country (Karrer 57-58). In the same year anti-choice politicians tried but failed to pass a Human Life Amendment that would have granted the right to life to all persons. The amendment defined persons as all human beings and their offspring at every part of their biological development (Karrer 59). In 1976 Congress approved the Hyde Amendment, which stopped the Department of Health, Education and Welfare to fund abortion for Medicaid Recipients (Karrer 64). The Hyde Amendment perpetuates inequality in abortion access, since it targets low-income women. It perpetuates a system in which the access to abortion depends on one's income, race and ethnicity. That same year abortion developed into a partisan issue with the Democratic Party officially supporting *Roe* and the Republican Party adopting an anti-choice platform (Karrer 67). Neil A. O'Brian argues that Republicans however had little choice in the matter and "once
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Republicans pursued and began to successfully capture racially conservative constituencies, this created a domino effect that limited Republicans' ability to position itself on abortion. This is because conservative constituencies on civil rights, Vietnam, and other noneconomic issues also tended to oppose abortion" (O'Brian 1034). By the late 1970s more anti-choice groups began to emerge and reoccurring violence was caused at abortion facilities throughout the country (Karrer 70). During the 1980s evangelical Christians joined the movement. While many joined already existing anti-choice groups, many others formed new and more radical groups, such as *Operation Rescue*, whose mission it was to end abortion by any means necessary (Saurette and Gordon 91).

In 1992 *Planned Parenthood v. Casey* challenged restrictions to access to abortion, which had previously been introduced by Pennsylvania lawmakers (Irons 477). The ruling stated that states could create legal restrictions to abortion if these would not pose an undue burden on women. The court defined an undue burden as "a shorthand for the conclusion that a state regulation has the purpose or effect of placing a substantial obstacle in the path of a woman seeking an abortion of a nonviable f[et]us (Supreme Court of the US 877)." However, the vagueness of that ruling has allowed states to impose legislation, which has purposefully targeted abortion providers and hindered women from accessing reproductive health care. The undue burden clause has compromised *Roe v. Wade* and consequently stripped women in many states of the unconditional constitutional right to choose. This has made *Casey v. Planned Parenthood* the more influential case concerning restrictive abortion laws.

In order to understand why the legal framework has shifted I will examine the discourse of the anti-choice movement. It is vital to engage with the discourse of a social movement because a particular social movement's objectives, opportunities and choices are socially constructed and culturally variable. The trend or direction of a certain movement is culturally defined by its discourse (Ferree 304). Therefore, the anti-abortion movement is defined by its discourse and the

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specific frames that are being utilised by anti-choice activists, grassroots organisations and elite actors such as politicians. Furthermore, public discourse takes largely place in the media. Thus, to advance a particular social movement's cause, the movement needs to achieve media representation in order to successfully influence legislation or policy (Ferree 311). Since it is the legislation that imposes further restrictions, the underlying discourse may not seem to be the most important aspect when discussing the evolution of the issue. But in a modern democracy it is words and speech of persuasion, which influence politicians to vote for a particular legislation or citizens to vote for a specific party. In order to understand the aim of the anti-choice movement it is important to investigate and understand the arguments made by elite as well as mass actors of the movement.

In order to show a general tone of the abortion debate in the seventies and eighties I will showcase statements and views by presidents of the time to show the opinion held by political actors, which represent mass opinion on a larger scale. Additionally, I will include a viewer call-in, which focuses on political opposition to legal abortion to highlight the view of the mass anti-abortion movement. The majority of material included stems from the eighties, since at that time the issue garnered more media attention and grew in its salience. All the included material stems from the *C-SPAN* online video archive.

In 1976 President Gerald Ford stated that the *Roe v. Wade* ruling went too far in its ruling to grant women in all states the right to choose. While he cited states' rights as the reason as to why *Roe v. Wade* was overreaching, the argument is reminiscent of racial coded language. Championing states' rights equates to conservative states, such as Texas and Missouri, outlawing abortion and liberal states such as New York or California protecting women's rights. Essentially, Ford establishes that an individual state has more right to govern a woman's body than herself. Inferring that states should make the ultimate decision whether abortion is legal or not would

simply reverse the status quo to pre-Roe v. *Wade* times, in which abortion was outlawed in many states.

“I publicly expressed that view at that time and while I was a member of the House of Representatives after that decision, I made a decision to oppose the constitutional amendment that would preclude any federal executive legislative or judicial action against abortions. And I felt then and it's on the record at that time that I favored an amendment that would permit individual state action. [...] I think that it would be very helpful in clarifying and giving to the individual states, we have 50 States, and if they want to make a decision one way or another if you believe in the states' rights, I think it's a very proper very logical conclusion (Ford, 00:03:46-00:04:49).”

During a Vice-Presidential debate in 1984 each candidate was asked on their position on abortion by the host of the debate. By then the salience of the issue had increased to a degree that made a candidate's position on the issue pivotal for voters as it had become a wedge-issue during the eighties (Karrer 67). Then Vice-President Bush responded.

“You know there has been, and I have to make a confession, an evolution in my position. There's been fifteen million abortions since 1973 and I don't take that lightly. There's been a million and a half this year. The president and I do favour a Human Life Amendment. I favour one that would have an exception for incest and rape, and he doesn't, only for the life of the mother. And I agree with him on that. So yes, my positions evolved. But I'd like to see the American who faced with fifteen million abortions isn't rethinking his or her position [...] I support the President's decision and comfortably from a moral standpoint (Bush, 00:27:34-00:28:19).”

The Human Life Amendment, as previously mentioned, defines a foetus as a person from the moment of conception and therefore recognises its right to life. By fully supporting President Ronald Reagan and simultaneously an amendment in which abortion would be illegal unless it endangered a woman's life, Bush deemed the right to life as more important than a woman's autonomy over her reproductive health. Bush is very implicit in his wording, but nevertheless he

argues that a foetus is a fully formed person whose right to be born takes precedent over a woman's decision no matter her individual reasons.

In 1988 President Reagan publicly endorsed the *March for Life* by having a live telephone call with Nellie Gray, the organiser of the annual event, in which he opposed legal abortion as a constitutional right.

“[O]ur opponents tell us not to interfere with abortion. They tell us not to impose our morality on those who wish to allow or participate in the taking of the life of infants before birth. Yet no one calls it imposing morality to prohibit the taking of life after a child is born. We're told about a woman's right to control her own body. But doesn't the unborn child have a higher right, and that is to life, liberty, and the pursuit of happiness? Or would our critics say that to defend life, liberty, and the pursuit of happiness is to impose morality? Are we to forget the entire moral mission of our nation through its history? (Reagan)”

Here President Reagan makes, just as his Vice-President did, a foetal-centric argument in favour of prohibiting abortions. While he does mention a woman's right to control her body, he establishes that a foetus' right to life takes moral precedence over a woman's choice. He focuses on the foetus' right to life, liberty and the pursuit to happiness, yet he completely neglects the woman's right to life, liberty and the pursuit of happiness. For instance, a woman's pursuit of happiness might include getting a university education or applying to the labour market, all of which is significantly harder whilst bearing and rearing children. Reagan equates the foetus with full personhood with a full set of rights and the right to autonomy over its own life. This makes a woman subservient to the foetus in her womb. If a foetus is morally or legally granted full personhood the consequence is that a woman is denied full personhood and thereby classified as second-class citizen with less rights than a collection of cells. The anti-choice movement and its politicians need to make foetal-centric arguments in order to support and sustain their position (Saurette and Gordon 13).

On 8th of September 1989 Nancy Myers, representative of the NRLC, and Frederica Mathews-Green, representative of Feminists for Life, were part of a live viewer call-in discussing the political opposition to legal abortion, an event hosted by C-SPAN. I want to highlight a few key-moments of the discussion. The following statement was made by a male caller from Florida:

“The issue I don’t believe is so much pro-life or pro-abortion but the decision the woman is making. The first decision obviously was wrong, if in fact she wants an abortion. Her first decision to have sex must have been wrong. Her next decision as whether or not to use protection was wrong and then her final decision to have an abortion in the time when she’s under a lot of strain, on a lot of pressure. Obviously, she cannot make a very rational decision. Especially, if 75 percent of the women are unmarried. So the answer would be they’re not capable of making a proper decision based on all of that history of the wrong decision they’ve made to this point (Political Opposition to Abortion, 00:29:34-00:30:15).”

First and foremost, the caller infers that based on several ‘poor’ choices the woman no longer has the right to choose to have an abortion. Additionally, he dubs women as incapable of making rational decisions in the face of pregnancy. Therefore, he denies women any sense of maturity and competence. In this sense women are to blame for their pregnancy due to a lack of responsibility and hence becoming pregnant serves as a sort of punishment for women’s promiscuity. This whole argument is aimed at unmarried women engaging in premarital sex and thereby defying the traditional notions of how a woman should behave. He portrays women who control their own bodies and exercise their legal right to choose as morally bankrupt and in consequence denies women the right to lead a sexually active life outside of marriage while the man’s responsibility is never addressed.

“Your second question was about the rights of the father, and I know what you mean. It disproportionately falls on the woman to have to carry that baby for nine months and then they go through the birth process, [...] but I don't see how we can give the man a little bit of a vote [...], either she has the abortion, or she doesn't. And I think

that because we're talking about only nine months out of the woman's life but perhaps 100 years in the child's life the father should certainly have equal say with the woman (Mathews-Green, 00:28:02-00:28:31).”

The second statement was made by Mathews-Green in response to a question as to how much the father has a right to decide whether a woman can or cannot have an abortion. Overall, the case can be made that the father should be involved in the discussion, however ultimately it is not his body. Contrarily, no third party, especially not the state, has any jurisdiction over a man’s body or his reproductive organs. The second part of Mathews-Green’s argument portrays women as selfish at the cost of the foetus’s life. However, it completely omits facts such as the financial strain of being pregnant in a system where health care is an amenity or the actual health risks of dying during labour, which is especially exacerbated for women of colour. In addition, it omits the fact that the real labour of having a child takes place after the actual child birth and usually takes about 18 years and the majority of childcare is overwhelmingly performed by women.

“I would like to know how women like myself can get involved in my community at this time in helping other women realise that it's a selfish act to have an abortion. Just an example how many years of your life do you sleep away at least seven. What is nine months to bring that child into the world (Political Opposition to Abortion, 00:37:16-00:37:35).”

This caller argues along the same line as Mathews-Green does. The decision to have an abortion is primarily seen as a decision against pregnancy and not as a decision of committing to the life-long role of being a mother. This makes it easy to portray women in a selfish and hedonistic way. Moreover, it does not reflect the individual reasons for having an abortion. It portrays women, who exercise their right to choose as body-focused, hedonistic and selfish.

As I mentioned before I want to argue that the underlying tone of the anti-abortion movement is anti-feminist. First, one has to define what an anti-feminist cue in the anti-abortion movement is. Most anti-abortion discourse is very foetal-centric (Saurette and Gordon 14).
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Subsequently, the foetus' right to life takes moral and legal precedence over a woman's right to self-determination. Since the foetal-centric argument is the dominant abortion frame, "the imagery of the f[o]etal personhood campaign [is] to render women invisible (Brodie et al. 146)." Thus, the unborn foetus is equated to a citizen with a full set of rights. The fact that it cannot protect its rights and autonomy itself entitles the anti-choice movement to speak on its behalf. This autonomy subsequently requires control over a woman's body and womb and reduces her to a "mechanical incubator" in service to her unborn foetus. Thus, by granting foetuses autonomy, women lose their autonomy. Women who choose abortion are represented as selfish in prioritising their self-interest over the foetus' life (Brodie et al. 84). Moreover, if an unmarried woman is pregnant, it is due to her promiscuity and portrayed as the result of irresponsible actions while men do not get blamed for a pregnancy. Furthermore, the decision of *Roe v. Wade* is based on liberal individualism and "positions women as citizens who, like men, are in control of their own persons and assumes that women should have the opportunity to make their own way in the labour market (Ferree 314). In turn, if women are denied the opportunity to choose to bear and beget a child, it can take away their opportunities of education, opportunities in the labour market and more. Simultaneously, it denies them equal treatment to men under the law. Arguing against abortion by omitting possible individual reasons to have an abortion is anti-feminist because it portrays women as a selfish, irresponsible mass. Since the historical struggle of abortion is grounded in the principle of a woman's right to self-determination the entire struggle becomes feminist (Ferree 308). Hence, if a mass or elite political actor argues against it, the very nature of the argument is an anti-feminist one.

There is a vast academic debate on the issue of abortion. A multitude of aspects have been covered from the influence of grassroots organisations to media coverage that is linked to partisanship as well as investigating arguments and their anti-feminist nature. All of which offer various, layered insights as to how these increased the salience of the issue. Political Scientists

Word Count: 4029

Charles Franklin and Liane Kosaki investigated the role of Supreme Court landmark cases increasing the salience of an issue. They found that in the case of *Roe v. Wade* the decision further exacerbated different opinions (Franklin and Kosaki 768). They paint the picture that the Supreme Court is like a schoolmaster and suggest that citizens listen to the rulings of the court, but they also talk during class, depending on their previous various attitudes. They infer that in the case of *Roe v. Wade* the court increased polarisation between the pro-choice and anti-choice movement (Franklin and Kosaki 759). According to Franklin and Kosaki the Supreme Court exacerbates polarisation in already salient issues because it establishes the law, but it does not end the debate. These findings are layered and comprehensive but fail to investigate why the debate does not stop and in the case of *Roe v. Wade* grows even louder. I conclude that Franklin and Kosaki fail to address the fact that the court is a non-majoritarian institution, whose members are affirmed by the Senate, another non-majoritarian institution. I believe it is important to investigate how non-majoritarian institutions affect the salience and polarisation of the issue of abortion.

To summarise, the underlying discourse of the anti-choice movement is clearly anti-feminist. The anti-choice movement functions as a vehicle to reinforce traditional gender roles. The anti-choice movement hides its anti-feminist nature behind a morally charged foetal-centric argument. Consequently, it can be used as a seemingly and publicly accepted outlet for anti-feminist agendas of various natures. To illustrate, nowadays as well as in the eighties it is impossible to restrict and control a woman's role in society on the simple grounds of being a woman but if you become the unborn foetus' advocate it provides a certain moral high ground as you defend somebody who does not yet have a voice. Opposing abortion is a way of opposing a woman's right to self-determination and thereby a way of trying to preserve traditional gender roles. Controlling a woman's reproductive health is a means of controlling a woman as well as her role in society.

Works Cited:

- Arey, Whitney. "Real Men Love Babies: Protest Speech and Masculinity at Abortion Clinics in the Southern United States." *NORMA*, vol. 15, no. 3-4, 2020, pp. 205–220., <https://doi.org/10.1080/18902138.2020.1778311>.
- Brodie, Janine, et al. *The Politics of Abortion*. Oxford University Press, 1992.
- Carmines, Edward G., et al. "How Abortion Became a Partisan Issue: Media Coverage of the Interest Group-Political Party Connection." *Politics & Policy*, vol. 38, no. 6, 2010, pp. 1135–1158., <https://doi.org/10.1111/j.1747-1346.2010.00272.x>.
- Ferree, Myra Marx. "Resonance and Radicalism: FEMINIST Framing in the ABORTION Debates of the United States and Germany." *American Journal of Sociology*, vol. 109, no. 2, Sept. 2003, pp. 304–344., <https://doi.org/10.1086/378343>. Accessed 27 Sept. 2021.
- Franklin, Charles H., and Liane C. Kosaki. "Republican Schoolmaster: The U.S. Supreme Court, Public Opinion, and Abortion." *American Political Science Review*, vol. 83, no. 3, 1989, pp. 751–771., <https://doi.org/10.2307/1962059>.
- Franklin, Charles H., and Liane C. Kosaki. "Republican Schoolmaster: The U.S. Supreme Court, Public Opinion, and Abortion." *American Political Science Review*, vol. 83, no. 3, 1989, pp. 751–771., <https://doi.org/10.2307/1962059>.
- Karrer, Robert N. "The Pro-Life Movement and Its First Years under 'Roe.'" *American Catholic Studies*, vol. 122, 2011, pp. 47–72.
- Klein, Ezra. *Why We're Polarized*. Avid Reader Press, 2021.
- Irons, Peter H. *A People's History of the Supreme Court: The Men and Women Whose Cases and Decisions Have Shaped Our Constitution*. Penguin Books, 1999.
- O'Brian, Neil A. "Before Reagan: The Development of Abortion's Partisan Divide." *Perspectives on Politics*, vol. 18, no. 4, 2019, pp. 1031–1047., <https://doi.org/10.1017/s1537592719003840>. Accessed 8 Oct. 2021.
- "Political Opposition to Abortion ." *Political Opposition to Abortion*, C-SPAN, 8 Sept. 1989, <https://www.c-span.org/video/?9030-1/political-opposition-legal-abortion>. Accessed 6 Oct. 2021.
- "Presidential News Conference." With Gerald Ford, C-SPAN, 8 Feb. 1976, <https://www.c-span.org/video/?190558-1/presidential-news-conference>. Accessed 5 Oct. 2021.
- Reagan, Ronald. "Remarks to Participants in the 1985 March for Life Rally." *Ronald Reagan*, <https://www.reaganlibrary.gov/archives/speech/remarks-participants-1985-march-life-rally>.
- Saurette, Paul, and Kelly Gordon. *The Changing Voice of the Anti-Abortion Movement: The Rise of "pro-Woman" Rhetoric in Canada and the United States*. University of Toronto Press, 2016.

Supreme Court of the United States. Planned Parenthood of Southeastern Pennsylvania v. Casey, 505 U.S. 833. 1991. Periodical. Retrieved from the Library of Congress, <www.loc.gov/item/usrep505833/>.

“Vice Presidential Candidates Debate.” Performance by George H.W. Bush, and Geraldine Ferraro, 11 Oct. 1984, <https://www.c-span.org/video/?33136-1/1984-vice-presidential-candidates-debate>. Accessed 5 Oct. 2021.

Williams, Marla. *Political Opposition to Legal Abortion*, C-Span, 8 Sept. 1989, <https://www.c-span.org/video/?9030-1/political-opposition-legal-abortion>. Accessed 8 Oct. 2021.