REDEFINING <CHOICE>: A RHETORICAL ANALYSIS OF “THE FEMINIST CASE AGAINST ABORTION”

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REDEFINING <CHOICE>: A RHETORICAL ANALYSIS OF “THE FEMINIST CASE AGAINST ABORTION”

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ABSTRACT

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In “The Feminist Case Against Abortion,” Foster redefines the ideograph of <choice> in a way that is both pro-woman and pro-life. She supports her definition with genetic and analogical arguments from the past. Her focus on <choice> makes her speech a unique voice in the larger abortion debate and avoids the stalemate caused by opposing sides that function under totally different value systems.
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Abortion remains one of the most controversial issues in our society. Recent efforts by Republicans to limit access to abortion and other reproductive services through initiatives to defund Planned Parenthood and Title X, reimpose the Mexico City Policy, and provide additional protections for health care providers that refuse to perform abortions or offer contraceptives have prompted Democratic organizations and several women’s groups to label their efforts as a “War on Women.” The War on Women became a major focus of both the GOP and DNC campaigns during the 2012 election and was highlighted in both parties’ national conventions in September of 2012.

Additionally, U.S. Representative Todd Akin ignited a firestorm of controversy with his remarks concerning abortion in the case of rape or incest. When asked if women who become pregnant because of rape should be able to have an abortion, he said that they should not. He added that it was his understanding that women rarely get pregnant

\[1\] Dorothy E. McBride, Abortion in the United States. (Santa Barbara: ABC-CLIO Inc) 3.

\[2\] Title X is a federal family planning program that provides birth control, breast and cervical cancer screenings, and testing for sexually transmitted diseases to low-income women.

\[3\] The Mexico City is known by detractors as the “global gag rule.” It was first implemented by President Reagan in 1984. It was later rescinded by President Clinton, re-implemented by President George W. Bush, and rescinded again by President Obama. The rule prohibited US funding of any international organization that had anything to do with providing abortion services or counseling.

through rape because if a woman was legitimately raped, her body would prevent the pregnancy.\(^5\) Akin’s suggestion that there is such a thing as “legitimate rape” led many leaders in the Republican Party to call for his resignation and abandon his campaign in a key senate race.\(^6\) Democrats responded by linking Akin’s comment about rape, and his opposition to abortion in the case of rape, to all other pro-life Republicans.\(^7\)

However, the abortion controversy is not as simple as Republican (pro-life) vs. Democrat (pro-choice). Organizations like Democrats for Life of America and Republican Majority for Choice demonstrate that both parties have factions that do not support the party platform with regard to abortion. Additionally, the prominence of organizations like Feminists for Life of America (FFL) discredits any characterization of the debate being simply pro-woman vs. anti-woman. In fact, though they are on the opposite end of the political spectrum from Representative Todd Akin, FFL also opposes abortion in the case of rape or incest, though for different reasons.\(^8\) FFL believes that both rape and abortion are violence against women.\(^9\) Therefore, they believe that a woman who is raped should not be subject to additional violence in the form of abortion. FFL argues that their nuanced position is supported by first wave feminists like Susan B. Anthony and Elizabeth Cady Stanton who opposed abortion.\(^10\)

\(^{5}\) Ibid.

\(^{6}\) Ibid.

Akin did not drop out of the race, and he ended up losing.

\(^{7}\) Ibid; According to a CNN poll taken after Akin’s comments, 83% of Americans support abortion in the case of rape or incest. (http://politicalticker.blogs.cnn.com/2012/08/24/cnn-poll-did-akin-comments-have-public-opinion-impact/)

\(^{8}\) In a later interview, Akin said that the reason he does not support abortion in the case of rape is because he believes the rapists should be punished and not the fetus/baby.

\(^{9}\) Serrin Foster, “Pro-life answers to Pro-choice questions,” http://www.feministsforlife.org/Q&A/Q2.htm

\(^{10}\) Feminists for Life, “Feminist History,” http://www.feministsforlife.org/history/index.htm
Though FFL is just one of the many organizations that challenge the boundaries of the abortion debate, their unique, deliberately pro-woman, pro-life perspective on the controversy invites further study. One way to begin to understand FFL’s contribution to the conversation is through FFL president Serrin Foster’s flagship speech, “The Feminist Case Against Abortion.”

While this speech does not portray all of the complexities of FFL’s position, it does provide a representative example of the values and goals of the organization. Therefore, through analysis of this speech this project provides insight into the complex contours of the abortion debate. This chapter justifies the importance of analysis of Foster’s speech by briefly examining the context and complexity of the abortion debate within the pro-woman community, describing the text and importance of Foster’s speech, and very briefly outlining the critical methods that I utilize in my analysis of her speech.

Context

The abortion controversy is not new, and throughout the years women’s groups have taken varying positions on the issue. While the feminist movement’s support of abortion rights is often taken for granted, that was not always the case. Historically, feminists were not heavily involved in the abortion debate, and even today not all feminists support abortion. This section takes a historical look at the abortion debate from the perspective of women’s groups and demonstrates that, while the terms of the

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11 I have included a transcript of the speech at the end of the paper as the Appendix.
12 For the sake of clarity, this paper will refer to pro-choice advocates using the term “abortion rights” advocates. I understand that some members of this group may take offense at my use of labels; however, using the pro-choice label would become entirely too confusing in an analysis that centers on the use of the terminology of choice.
debate seem firmly established, women’s organizations continue to fight for a rhetorical edge, blurring the lines between “choice” and “life.”

Abortions were legal and readily available in the United States prior to the mid 1800s if they were performed before quickening, the first perceptible movements of the fetus. During this stage, women’s groups were not primary voices in the conversation. However, they generally viewed abortion as another way that men and men’s sexual desire victimize women. Women had very few rights, and marital rape was acceptable under common law. Both pregnancy and abortion were often fatal. Additionally, abstinence was the most reliable method of birth control. Therefore, the solution proposed by first wave feminists was that men adopt the same standards of moral purity as they placed on their wives, and that they respect the difficulties women faced when they became pregnant too often.

The primary voice in the abortion debate in the mid 1800s and into the 1900s was the American Medical Association (AMA). In 1859, the recently organized AMA condemned the practice of abortion on the grounds that there was no fundamental difference between a fetus that was perceptibly moving and one that was not. The AMA declared that all abortion killed human beings, and it was the doctor’s responsibility to inform ignorant women of this fact. Additionally, the AMA lobbied states to make

13 McBride, Abortion in the United States, 4.
14 Ibid, 7.
17 McBride, Abortion in the United States, 7.
abortion illegal. By 1900 abortion was illegal in all states, except in the case of threat to the mother’s life.\textsuperscript{18}

The exception for threat to the mother’s life, endorsed by the AMA, put the medical community in control of legal, safe abortions. However, in the 1930s abortion rates began to increase, in part due to the desperate circumstances brought on by the Great Depression.\textsuperscript{19} Some doctors expanded the therapeutic exception to include social conditions and would perform abortions for women in hospitals; however, many women turned to illegal abortions. It is estimated that as many as 17,000 women died from illegal abortions in the 1930s.\textsuperscript{20}

At that time women’s groups reacted by fighting for increased availability of contraception. For example, Margaret Sanger’s American Birth Control League campaigned to expand knowledge about, and use of, contraception as a means to prevent abortion. In the 1940s the American Birth Control League changed its name to Planned Parenthood Federation of America, but its mission remained the same: to prevent the necessity of abortion through contraception.

Though Sanger was unwaveringly against abortion, her belief that women could not be free until they could own and control their own bodies later inspired abortion advocates like Larry Lader, founder of the National Association to Repeal Abortion Laws (NARAL).\textsuperscript{21} Like Sanger, Lader believed women could not be free in education, jobs,

\textsuperscript{18} Ibid, 3-8.
\textsuperscript{19} Ibid, 10.
\textsuperscript{20} Ibid, 10.
\textsuperscript{21} After Roe v. Wade, NARAL changed its name to the National Abortion Rights Action League. Then, in 1994, NARAL expanded its mission to include other reproductive choices and changed its name to the
marriage, or any other part of their lives if they were not in control of their childbearing. For Lader and many other second wave feminists that meant that abortion rights were key to all of the other rights for which they were fighting.\textsuperscript{22} Consequently, the National Organization for Women (NOW), the largest feminist group in the world, was the first national organization to endorse the legalization of abortion.

In the 1960s and early 1970s advocacy for abortion rights by organizations like NARAL and NOW usually mirrored earlier advocacy for contraception: women were dying from botched illegal abortions.\textsuperscript{23} Beginning in 1961, the \textit{Saturday Evening Post} published a series of stories that reported the horrors of illegal abortion. This series prompted prominent female reporters to begin reporting on women who faced unwanted pregnancies or who sought illegal abortions. For example, Muriel Davidson wrote a story about “Mary O.” who was a mother of four and who died from an illegal abortion that involved injecting a caustic solution into her womb.\textsuperscript{24} This story, and others like it, raised public awareness of advocates’ efforts to change abortion laws.

Advocacy for the legalization of abortion resulted not only in public awareness, but also in a shift in public opinion. In 1965, the Supreme Court set the stage for its famous \textit{Roe v Wade} decision when it ruled that banning contraception infringes on married couples’ right to privacy in \textit{Griswold v. Connecticut}. Also in 1965, \textit{The New York Times} officially endorsed abortion law reform, and in 1967 abortion reform bills

\textsuperscript{23} McBride, \textit{Abortion in the United States}, 14.
\textsuperscript{24} Ibid, 14.
were considered by at least 25 state legislatures. By 1971, a majority of Americans supported the legalization of abortion, and by 1973, fifteen states had already enacted changes in abortion laws. However, according to Dorothy McBride, universal legalization of abortion would not have been possible without the Supreme Court’s landmark decision in Roe v. Wade. Roe v. Wade was a challenge to a law enacted in Texas that prohibited the procurement or attempt of an abortion unless the abortion was sanctioned by medical advice to save the life of the mother. The court ruled by a 7-2 majority that it was “a woman’s decision whether or not to terminate her pregnancy.” The court’s decision was based upon a previous case, Griswold v. Connecticut, which established a right to privacy in the case of decisions about contraception.

While affirming the right to privacy, the court maintained some amount of state control, arguing that the government does have some legitimate interest in regulation of medical practices and protecting the fetus. According to the guidelines established by the court, the government may not prohibit abortions occurring before the third trimester. The state may, however, enact regulations after the first trimester if those regulations are reasonably related to maternal health.

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27 Ibid, 15.
28 The woman involved in the case, Jane Roe (pseudonym for Norma McCorvey) wanted an abortion because she could not afford to raise a child.
29 Ibid, 16.
30 Ibid, 16-17.
31 Ibid, 18.
Not only did *Roe v. Wade* immediately legalize abortion in all 50 states, but the decision also had two other immediate effects. First, the case mobilized the pro-life movement. Second, the case established the terms of the abortion debate. Abortion advocacy groups’ first attempt to use the concept of “equality,” building on the civil rights movement quickly evolved into a demand for the right to choose. “Choice” did not simply refer to the legal right to choose abortion, but also to the educational, vocational, and lifestyle choices women desired that were in addition to, or instead of, motherhood. Conversely, the organized opposition to abortion utilized the terminology of life. According to Celeste Michelle Condit, the most powerful rhetorical strategy the pro-life movement used to persuade the American public was images of mangled fetuses disseminated in mass media, on billboards, and in films.

While abortion rights did enjoy broad support from the feminist community, not everyone was on board. In 1972, a member of Ohio’s chapter of NOW, Pat Goltz, along with Catherine Callaghan started Feminists for Life (FFL). From the beginning, FFL both opposed abortion and supported woman’s issues like the equal rights amendment and other legislation aimed at preventing violence against women. Goltz and Callaghan believed that support for abortion contradicted the most basic principles of feminism, respect for all human life, and they often cited pro-life feminists from the first wave of feminism like Elizabeth Cady Stanton and Susan B. Anthony to support their cause.

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33 Ibid, 34-35.
34 Ibid, 43-59.
Goltz was later expelled from NOW because of her opposition to abortion.
36 Ibid.
The current president of FFL, Serrin Foster, has continued Goltz and Callaghan’s commitment to respecting all human life. She has led FFL in their advocacy of a variety of causes, including violence against women, rights for aging Americans, opposition to the death penalty, and equality in the workplace. One of Foster’s unique contributions to FFL is her focus on outreach to college campuses. She established the College Outreach Program, which guides and directs colleges on how to better support pregnant and parenting students.

As I will demonstrate, Foster’s speech, “The Feminist Case Against Abortion,” shows that women’s organizations are challenging the use of both the terminology of choice and the terminology of life. For example, in addition to its more traditional advocacy of choice, NOW also utilizes the terminology of life. The first sentence on the abortion issue page on NOW’s website reads: “NOW affirms that reproductive rights are issues of life and death for women, not mere matters of choice.”

The page does not go on to justify this statement. However, it is noteworthy that it not only elevates life over choice and claims that abortion rights are necessary for life, but it also belittles the idea of choice, an idea that has been foundational to the abortion rights movement since Roe v. Wade.

Conversely, FFL is a pro-life organization that also utilizes the terminology of choice. FFL argues that “women deserve better choices” than abortion. FFL’s assumption is that women want to keep their babies, but often feel coerced into having an

abortion because of economic or other societal pressure. Therefore, by “choice” FFL does not mean a larger number of reproductive choices that would include options like adoption; rather, they mean access to services that do not force women to choose between their careers or education and their unborn children. FFL’s mission statement reflects this focus on access to resources:

Feminists for Life of America recognizes that abortion is a reflection that our society has failed to meet the needs of women. We are dedicated to systematically eliminating the root causes that drive women to abortion—primarily lack of practical resources and support—through holistic, woman-centered solutions.

The woman-centered solutions advocated by FFL are designed to give women access to choices such as having a child and staying in school, or having a child and keeping a job.

The terms of the abortion debate are not as cut and dry as they sometimes appear to be. Throughout history women’s organizations have found themselves on all sides of the debate. Even when it seems like the terms of the debate are clearly established, the various players in the debate attempt to turn the tables in an effort to vie for control and garner public support.

Text

Serrin Foster’s speech, “The Feminist Case Against Abortion,” represents FFL’s effort to control the debate over abortion. Foster is the president of FFL, and this speech acts as the flagship message of the organization. Not only has Foster delivered this

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38 Unlike many other pro-life organizations FFL does not have an official position on contraception, abstinence, or adoption.
speech to various audiences in the United States and internationally for over ten years but it also was published in FFL’s publication, *The American Feminist*. Additionally, the speech was published in an anthology of speeches entitled, *Women’s Rights* as a representative anti-abortion argument in the book’s discussion of the abortion debate.

Foster opens her speech with a discussion of the first wave feminists’ opposition to abortion. The first feminist foremother she highlights is Mary Wollstonecraft who opposed both the sexual exploitation of women and abortion. Foster hints that Wollstonecraft’s influence led to the ban of abortion in England in 1803. Foster also supports her narrative of the early feminist’s opposition to abortion by citing Elizabeth Cady Stanton, Susan B. Anthony’s newsletter, *The Revolution*, and other “early American feminists” that she does not mention by name.

Foster then contrasts their opposition to abortion with the leaders of the second wave of feminism and their support for abortion. According to Foster, it was actually a man, Larry Lader, who convinced Betty Friedan to support abortion on the grounds that it would make women more employable. From Foster’s perspective these second wave feminists abandoned the vision of the early feminists and the essential values of feminism: that women be respected and accepted as women.

The final portion of Foster’s speech provides FFL’s vision for addressing the root causes of abortion and providing women-centered solutions. In her support of various programs including funding for comprehensive programs that emphasize teen pregnancy

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40 Appendix, para. 10
41 Respecting women as women is in contrast to the idea that women must become more like men (masculine) in order to gain respect from the masculine community. For example, men do not give birth. The idea that women must stop giving birth to gain respect in their employment would be contrary to the concept of respecting women as women.
prevention, child support legislation, funding for pregnancy centers, right to know legislation, support from employers, and Feminists for Life’s College Outreach Program, she repeatedly uses terminology that emphasizes empowerment and choice for women. Conversely, when she describes the words and actions of pro-choice advocates as coercive, the exact opposite of choice. In so doing, she fundamentally redefines choice.

Although Foster presented this speech all over the world, her audiences had at least one thing in common: they were made up of both pro-life and pro-choice advocates. Recognizing that fact, she concludes her speech with an appeal to both sides of the debate. She asks her audience to put aside their differences and their fight over rhetorical control and consider how they can help women in need.

This speech acts as a representative sample of the philosophy and values of the FFL. As such, it provides insight into the FFL’s unique and complicated perspective on the abortion debate. Additionally, the prominence of the speech and the number of times that it has been presented to various audiences make it a strong voice in the conversation surrounding abortion rights.

Methods

In “The Feminist Case Against Abortion,” Foster takes on the ideograph of \(<\text{choice}>\). I build a theoretical framework that describes Foster’s unique contribution to the abortion debate and that depends on stasis theory, ideographs, and arguments from the past. This framework isolates the point at issue (stasis), the definition of an

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43 In the literature, ideographs are indicated with the following notation <>. 
ideograph, and then describes how historical arguments can be utilized to support a definitional argument. By focusing on the definition of an ideograph, this framework explains both how the argument functions and why it is persuasive.

**Conclusion and Outline of Chapters**

My analysis of Serrin Foster’s speech, “The Feminist Case Against Abortion” is comprised of five chapters. The second chapter situates the text in a specific moment to better evaluate how it works to redefine choice. This chapter will describe the nuances of the abortion debate and the major players in the debate. Additionally, this chapter provides a portrait of Serrin Foster and a history of FFL.

In chapter three I build the theoretical framework for my analysis of Foster’s speech, utilizing stasis theory, ideographs, and arguments from the past. Stasis theory aids in identifying the point at issue, the definition of the ideograph of <choice>. Arguments from the past are the primary means by which she redefines <choice>.

Chapter four is my analysis of the text. In this chapter I will synthesize the information from the previous three chapters to provide a unique reading of Foster’s speech. Contours of the debate will become clearer through the analysis of this text.

Chapter five will provide conclusions and offer avenues of future research made possible through this work.
CHAPTER 2
A BRIEF HISTORY OF ABORTION IN AMERICA

In 2005, then-Senator Hillary Clinton argued that abortion is "a sad, even tragic choice to many, many women."\(^4\)\(^4\) Even while affirming her pro-choice stance, she went on to say that "There is no reason why government cannot do more to educate and inform and provide assistance so that the choice guaranteed under our constitution either does not ever have to be exercised or only in very rare circumstances."\(^4\)\(^5\) Her vision for helping women avoid abortion does not sound very different from the mission statement of pro-life organization, Feminists for Life (FFL) detailed earlier.

Both Clinton and FFL recognize that abortion is not the best thing for women and that working to fix the causes of abortion is much better for everyone. Similarly, in a 2009 commencement address at the University of Notre Dame President Obama told his audience that while they might not agree on abortion rights, they can agree that reducing the number of abortions is a worthy goal:

… we can still agree that this heart-wrenching decision for any woman is not made casually. It has both moral and spiritual dimension.

\(^5\) Ibid
So let us work together to reduce the number of women seeking abortions. Let’s reduce unintended pregnancies. Let’s make adoption more available. Let’s provide care and support for women who do carry their children to term.46

The moral and spiritual dimensions recognized by President Obama may help explain why abortion is such a deeply personal and divisive issue despite the fact that there is general agreement regarding its tragic nature.

The divides between groups have formed around the way in which the groups balance often conflicting issues like, who should control women’s reproduction, who has the right to decide whether women have access to abortion (if anyone) and whose interest must be protected, the woman’s or the fetus’. This chapter explores the answers provided by disparate groups since the eighteen century in order to better understand the unique perspective of FFL expressed in Serrin Foster’s speech, “The Feminist Case Against Abortion.”

I first describe the criminalization of abortion and the early feminist response to the problem of abortion. Eighteenth and nineteenth century anti-abortion advocates argued that doctors should control access to legal abortion services. Additionally, though feminists during that era generally did not support abortion, neither did they side with doctors who often placed the blame for abortion on women. The early feminists argued that the out of control sexual desires of men were to blame, and the solution was for women to control their childbearing through abstinence.

Then I describe the period between initial criminalization of abortion and efforts to reform or repeal abortion. There were no major changes in abortion law during this time period; however, increases in abortion crack-downs, a renewed emphasis on motherhood, and abortion-related deaths set the stage for later advocacy.

Thirdly, I move to the late 1950s and briefly describe efforts to reform or repeal abortion laws. Doctors and lawyers began advocating abortion law reform in response to the number of women who were dying from botched abortions and the number of doctors who were stretching the limits of the life of the mother exception. While these advocates fought for expanded exceptions to abortion statutes, they continued the tradition of entrusting doctors with the responsibility for determining when an abortion should be legal; however, in the 1960s women’s right groups joined the conversation. They argued that abortion laws should be completely repealed and they reframed the issue as a women’s rights issue.

Finally, I describe the changes in the conversation brought about by the Supreme Court’s decision in *Roe v. Wade*. The victory experienced by abortion rights advocates empowered the pro-life movement, and established many of the arguments that we still hear today. Here I spotlight Feminists for Life (FFL) as one of the pro-life organizations that emerged following the *Roe* decision. FFL focuses on empowering women while also advocating for overturn of *Roe v. Wade*.

**Act I: Doctors, Feminists, and Abortion in Early America**

Abortion was not always as controversial in the United States as it is now. In fact, prior to 1821, there was no specific legislation in any jurisdiction in the United States
concerning abortion.\footnote{James C. Mohr, \textit{Abortion in America: The Origins and Evolution of National Policy, 1800-1900} (Oxford: Oxford University Press, 1978), vii, 20.} Rather, abortion law followed British common law, under which abortion was legal prior to quickening, the earliest perceptible movement of the fetus.\footnote{Ibid, 3.} However, by 1900, almost every jurisdiction in America had enacted laws to regulate or criminalize abortion.\footnote{Ibid, vii.} This change in attitudes toward abortion was not brought about by the groups that have become the key players in the abortion debate today, such as women’s rights groups or religious groups such as the Catholic church.\footnote{McBride, \textit{Abortion in the United States}, 7. The Roman Catholic church did not have a formal policy on abortion until the late nineteen century.} Rather, physicians led the campaign for elimination of the quickening standard and the criminalization of abortion.

The significance of the distinction between a fetus that was quick and one that was not quick can be traced back to the Greek belief that quickening signaled the fact that the fetus now possessed a soul and independent life.\footnote{Ibid, 2.} Additionally, the 18\textsuperscript{th} Century public also believed that a quick fetus would look more like a baby than a cluster of cells, and, therefore, reasoned that killing a quick fetus was similar to killing a baby.\footnote{Ibid, 3.} Laws based upon this distinction were very difficult to enforce because there was no independent medical means to determine when a woman became pregnant. Only the woman could know if she was pregnant, and even then she could not be sure until she could feel the fetus move. If a woman sought medical attention when her period stopped, the person who performed the abortion could claim that he or she did not know the
woman was pregnant.\textsuperscript{53} This defense was plausible in nearly every circumstance, and therefore, though illegal after quickening, abortions were relatively easy to obtain under common law based on quickening.\textsuperscript{54}

Around the middle of the 19\textsuperscript{th} Century abortion started to gain public attention. This change was, in large part, due to the fact that in the mid 1800s abortion became far more common.\textsuperscript{55} James Mohr estimates that the abortion rate went from approximately one abortion for every 25 or 30 live births in the first part of the nineteen century, to as many as one in every five or six live births by the 1850s or 1860s.\textsuperscript{56} Experts disagree about what caused the increase in demand for abortions.\textsuperscript{57} Mohr argues that more “respectable” white, Protestant women started getting abortions, not out of desperation, but to delay childbearing or limit family size.\textsuperscript{58} However, Marvin Olasky claims that while the number of middle class women seeking abortions did increase, the primary clients for abortions during this period were prostitutes.\textsuperscript{59} In either case, the increase in demand made abortion services a lucrative profession and encouraged its practitioners to advertise the services they provided.\textsuperscript{60} Advertisements for abortion services, then, further increased public awareness of the prevalence of abortion.

\textsuperscript{53} Ibid, 3-4.
\textsuperscript{54} Ibid, 4.
\textsuperscript{55} Ibid, 4.
\textsuperscript{56} Mohr, \textit{Abortion in America}, 50.
\textsuperscript{57} McBride, \textit{Abortion in the United States}, 4.
\textsuperscript{58} Mohr, \textit{Abortion in America}, 47.
\textsuperscript{59} Marvin Olasky, \textit{Abortion Rites: A Social History of Abortion in America} (Regnery Publishing: Washington D.C., 1992), 44.
\textsuperscript{60} McBride, \textit{Abortion in the United States}, 4; Mohr, \textit{Abortion in America}, 47. In fact, according to Mohr, abortion services were one of the first medical specialties in the United States.
The practice of abortion in the nineteenth century was not regulated, and, therefore, was not limited to trained physicians. According to Dorothy McBride, the fact that anyone could legally perform an abortion created two problems. First, there was no uniform, safe way to perform an abortion. Anyone could use any means to end a pregnancy and the trained physicians could do nothing to stop dangerous practices. Second, trained physicians, or “regulars” had to compete with “irregulars” for business. Since abortion services were big business, this second problem created a strong incentive for the professional community to find a way to control the practice.

In 1859, the newly founded American Medical Association (AMA) enacted a resolution to declare that abortion killed human beings, even before quickening, and to prohibit abortion except to save the life of a pregnant woman. While the resolution defined abortion as immoral, it also established an exception that emphasized the doctors’ role as the protector of both the live of the fetus and the life of the mother. Primarily through the lobbying efforts of the AMA, by 1900, all of the states had abandoned the quickening distinction and enacted policies to prohibit abortion. The only exception was a threat to the life of the mother, and doctors were solely responsible to determine when

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62 Ibid, 4. All abortions were dangerous at this period in history. However, some methods were more dangerous than others.
63 Ibid, 3-6.
64 Ibid, 5-6.
65 According to Tracy Thomas, the AMA specifically targeted women midwives to bar them from entering the medical profession.
66 The AMA was founded in 1847.
68 Ibid, 5.
that threat existed.\textsuperscript{69} Criminalization of abortion, then, provided the means for medical professionals to control the practice of abortion.

Information published by the AMA to convince the public to support the criminalization of abortion often clearly linked abortion and women’s “proper roles” as wives and mothers.\textsuperscript{70} According to Tracy Thomas, the AMA’s campaign further evolved into attacks against women, accusing them of looking for social and economic extravagancies rather than fulfilling their duties as mothers.\textsuperscript{71} Nineteenth century feminists responded to this campaign, which Thomas calls fundamentally “anti-feminist,”\textsuperscript{72} by placing the blame for abortion at the feet of men. The issue for the early feminists, then, was not whether abortion was morally wrong or whether laws should be passed to regulate abortion.\textsuperscript{73} The early feminists were concerned about the broader problem of women’s control over their own bodies.

Therefore, the early feminists argued for “voluntary motherhood,” and their solution was sexual abstinence.\textsuperscript{74} Their advocacy for abstinence rather than either abortion or contraception had at least two explanations. The first is that both abortion and contraception were dangerous at the time. For example, it was common to administer poisons to a pregnant woman to induce an abortion. Practitioners believed, often falsely, that a dosage that was sufficient to kill the fetus would not kill the woman.\textsuperscript{75}

\textsuperscript{69} Ibid, 8.
\textsuperscript{70} Thomas, “Misappropriating Women’s History,” 6
\textsuperscript{71} Ibid., 20
\textsuperscript{72} Ibid., 23
\textsuperscript{73} Tribe, “Abortion in Early American Society,” 22-23.
\textsuperscript{74} Ibid., 23.
\textsuperscript{75} Ibid., 19
Second, women were widely viewed as morally superior to men. Therefore, the assumption was that women did not want to choose abortion because they were nurturing by nature, and women who were empowered to control their own sexuality would not need abortion because they had the willpower to abstain from sex. Consequently, while women’s rights activists like Mary Wollstonecraft, Susan B. Anthony and Elizabeth Cady Stanton were not silent on the abortion issue, their concern remained the reasons women sought abortions, rather than the abortion itself.

Mary Wollstonecraft, widely held to be the foremother of western feminism, was clear about her opposition to abortion. In her book entitled, *Vindication of the Rights of Women*, published in 1792 she argued that women should receive the same education as men so that they could be good mothers. Additionally, she argued that without education women were too susceptible to sexual objectification by men. She blamed male sexual exploitation for the weakness of mind and body that impeded women from being good mothers and caused women to kill their children:

> Women becoming, consequently, weaker, in mind and body, than they ought to be, were one of the grand ends of their being taken into account, that of bearing and nursing children, have not sufficient strength to discharge the first duty of a mother; and sacrificing to lasciviousness the parental affection, that ennobles instinct, either destroy the embryo in the womb, or cast it off when born. Nature

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76 Ibid., 23
77 Ibid., 23
79 Male leaders at the time believed that educating women would destabilize the home and family.
79 Ibid.
in everything demands respect, and those who violate her laws seldom do so with impunity.\textsuperscript{80}

Though Wollstonecraft blamed men for women’s silliness and held men responsible when women chose to kill their children, she did not differentiate who would receive the punishment that nature dealt on those who violate its laws. Women, as well as men, would likely suffer. Although she clearly opposed abortion, it appears that she saw it as a symptom of a larger problem, the problem of the exploitation of women, and it does not appear that she specifically advocated for laws to criminalize it prior to quickening, or to codify the existing quickening distinction.\textsuperscript{81}

Wollstonecraft’s \textit{Vindication of the Rights of Women} influenced American suffragists Susan B. Anthony and Elizabeth Cady Stanton. In fact, Anthony’s newsletter, \textit{The Revolution}, serialized \textit{Vindication of the Rights of Women}, and Anthony’s own copy now resides in the Library of Congress. Though Susan B. Anthony’s personal opinion regarding abortion is not as clear, Stanton’s advocacy follows Wollstonecraft’s tradition of placing the blame at the feet of men.

Pro-life advocates often cite Susan B. Anthony’s opposition to abortion to support their cause. In truth, Anthony said very little concerning abortion, and even

\textsuperscript{80} Cat Clark, “Mary Wollstonecraft,” \textit{Feminists for Life}, (2010) http://www.feministsforlife.org/FeminismCourse/wollstonecraft.htm

\textsuperscript{81} By common law, abortion was illegal after quickening in England, where Wollstonecraft was writing. Later, in 1803, England enacted a law to make abortion after quickening a crime punishable by the death penalty. \textit{BBC}, “Ethics guide: Historical Attitudes to Abortion,” Accessed October 26, 2012, http://www.bbc.co.uk/ethics-abortion/legal/history_1.shtml
when she did her comments were ambiguous. According to Ann Gordon and Lynn Sherr, Anthony only wrote about abortion one time. Her words on the topic are in an entry in her diary that followed a visit with her brother where she found her sister-in-law bedridden after an abortion procedure. Seeing that things did not go well, Anthony commented that her sister-in-law “will rue the day she forces nature.” While Anthony’s comment is critical of her sister-in-law’s choice, it is not clear why she believed that her sister-in-law would regret the abortion. Her regret could as easily be linked to the medical complications as to the moral, social, or political implications of abortion. Therefore, this source is not clear enough to establish Susan B. Anthony’s general opposition to abortion.

However, pro-life advocates cite a second source to establish Susan B. Anthony’s opposition to abortion. This one comes from Anthony’s newsletter, The Revolution. The following paragraph appeared in an article published in 1869 and signed “A”:

Guilty? Yes, no matter what the motive, love of ease, or a desire to save from suffering the unborn innocent, the woman is awfully guilty who commits the deed. It will burden her conscience in life, it will burden her soul in death; but oh! thrice guilty is he who, for selfish gratification, heedless of her prayers,

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83 Ann Gordon edited the 5-volume Selected Papers of Elizabeth Cady Stanton and Susan B. Anthony and Lynn Sherr is the author of a biography of Anthony entitled "Failure is Impossible: Susan B. Anthony in Her Own Words". Both authors claim to have read every word that Susan B. Anthony wrote.
84 Ibid
85 Ibid
86 Ibid
indifferent to her fate, drove her to the desperation which impelled her to the crime.\textsuperscript{88}

The deed to which the paragraph refers is an abortion; however, the article does not advocate for legislation outlawing abortion. The article specifically says that legislation will not help because the real problem is that husbands do not respect their wives’ wishes concerning sex and maternity. The author argues for prevention rather than punishment:

Much as I deplore the horrible crime of child-murder, earnestly as I desire its suppression, I cannot believe… that such a law would have the desired effect. It seems to be only mowing off the top of the noxious weed, while the root remains.\textsuperscript{89}

The prevention that the author sought was an end to nonconsensual sex within marriages that resulted in forcing women to risk their lives and health in unwanted childbirth. This author’s advocacy supports the perspective that was generally accepted by the early feminists: abortion was secondary to the larger problem of the costliness of men’s sexual desires.\textsuperscript{90}

Additionally, there does not appear to be consensus on who wrote the above article. Pro-life advocates contend that the article was written by Susan B. Anthony. However, Gordon and Sherr reply that there is no evidence that Anthony wrote the article

\textsuperscript{89} Ibid
or that she ever used the shorthand “A” to sign articles that she wrote.\textsuperscript{91} It seems that while this article articulates opposition to abortion and appears in Anthony’s newsletter, it does not provide indisputable evidence in support of Anthony’s personal opposition to abortion, or her support of laws to criminalize abortion. It does, however, provide insight into other feminists’ advocacy concerning abortion during that time.

Anthony is not the only early feminist who is incorrectly quoted by some pro-life advocates. Elizabeth Cady Stanton’s opposition to abortion also is often exaggerated.\textsuperscript{92} The following quotation has been widely used by FFL as part of their advocacy campaign: “When we consider that women are treated as property, it is degrading to women that we should treat our children as property to be disposed of as we see fit.”\textsuperscript{93} Although FFL featured the quotation on posters, brochures, and coffee mugs, when challenged by Thomas, the organization was unable to verify its authenticity.\textsuperscript{94} In response to Thomas’ inquiry FFL agreed to stop using the quotation.\textsuperscript{95}

In reality Elizabeth Cady Stanton did not respond to claims about the morality of abortion or attempts at criminalizing abortion.\textsuperscript{96} Rather, she argued for “voluntary motherhood” and for the right of women to control procreation.\textsuperscript{97} In a public letter to her cousin, Gerrit Smith, Stanton argued that women should have the ability to control reproduction, and that this social right was more important than other political rights:

\begin{itemize}
\item \textsuperscript{91} Schiff, “Desperately Seeking Susan.”
\item \textsuperscript{92} Thomas, “Misappropriating Women’s History,” 36.
\item \textsuperscript{93} Ibid, 36
\item \textsuperscript{94} Ibid, 37
\item \textsuperscript{95} Ibid, 37.
\item \textsuperscript{96} Thomas, “Misappropriating Women’s History,” 6.
\item \textsuperscript{97} Ibid, 31-32
\end{itemize}
The rights, to vote, to hold property, to speak in public, are all-important, but there are great social rights, before which all others sink into utter insignificance. The cause of woman is . . . not a question of meats and drinks, of money or lands, but of human rights—the sacred right of a woman to her own person, to all her God-given powers of body and soul. Did it ever enter into the mind of man that woman too had an inalienable right to life, liberty, and the pursuit of her individual happiness? Did he ever take in the idea that to the mother of the race, and to her alone, belonged the right to say when a new being should be brought into the world?98

Herself a mother of seven, Stanton’s belief that women should be able to determine the number of children they would have was based not only on the dangers of giving birth, but also on the fact that mothers were often the sole caregivers for their children. More children always meant more work for mothers.99

Not only did Stanton advocate for voluntary motherhood through abstinence, she defended a woman who was convicted of infanticide for murdering her child after its birth.100 In an editorial in the Revolution, she characterized the case as one of seduction, which was a common defense for infanticide. Then she criticized the double standard of the legal system that condemned a woman for infanticide but forgave the man who

98 Quoted in, Ibid, 32
99 Ibid, 32
100 Ibid, 42-44
initially seduced her.\textsuperscript{101} For Stanton even infanticide was less an issue of morality than an issue that highlighted the gendered bias of an unjust legal system.\textsuperscript{102}

Like Stanton, other early feminists who did speak out against abortion crafted a narrative that was counter to the AMA narrative that blamed women.\textsuperscript{103} They argued for men’s equal responsibility in the problem of increased demand for abortions.\textsuperscript{104} For example, Matilda Joslyn Gage wrote in the \textit{Revolution} that “This crime of ‘child murder,’ ‘abortion,’ ‘infanticide,’ lies at the door of the male sex.”\textsuperscript{105} While Gage used the rhetorical labels that the AMA used to describe abortion, she refused to accept their narrative that abortion was a problem of silly, irresponsible women. A writer for the \textit{Woman’s Advocate} of Dayton, Ohio went further in her argument:

\begin{quote}
Till men learn to check their sensualism, and leave their wives free to choose their periods of maternity, let us hear no more invectives against women for the destruction of prospective unwelcome children, whose dispositions, made miserable by unhappy ante-natal conditions, would only make their lives a curse to themselves and others.\textsuperscript{106}
\end{quote}

The injustice greater than abortion, for the early feminists, was the inability of women to control their own bodies.

While early feminists like Mary Wollstonecraft and Elizabeth Cady Stanton opposed abortion generally, they did not accept the AMA’s narrative that abortion was

\textsuperscript{101} Ibid, 44
\textsuperscript{102} Ibid, 40
\textsuperscript{103} Ibid, 27
\textsuperscript{104} Ibid, 27
\textsuperscript{105} Cited in Mohr, \textit{Abortion in America}, 112
\textsuperscript{106} Cited in Ibid., 112
the fault of women to be corrected by doctors. Rather, they placed the blame for abortion
on men and their sexual appetites. Consequently, early feminists advocated for voluntary
motherhood through abstinence as the solution to the problem of abortion rather than
supporting the adoption of a law that would allow women to be punished for obtaining an
abortion.

**Intermission: Setting the Stage for Big Change**

Though the laws governing abortion did not change much between the early
1900s and the early 1960s, the availability of abortion, social pressure toward traditional
family roles, and the dangers of illegal abortion set the stage for calls for reform and
repeal. Even after the AMA worked with state legislatures to outlaw abortion, it was still
relatively common. Additionally, prosecutions under abortion laws were rare
compared to the number of abortions that were performed by American physicians.

Each town had a local abortion practitioner, and police and politicians thought their
presence was a public health asset. In fact, usually, law enforcement and the abortion
practitioners had an unwritten agreement in most communities: if no one died due to a
botched abortion, the authorities would leave the practitioner alone. Therefore,
although illegal, abortions were relatively easy to obtain.

After World War II, the abortion landscape changed. Abortion practitioners
started to be arrested, convicted, and sent to jail in record numbers even though they did
not botch an abortion procedure. Solinger argues that this change is attributable to a

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108 Rickie Solinger, in *Abortion Wars*, 17.
109 Ibid, 17
110 Ibid, 18
renewed interest in defining woman’s roles as wives and mothers.\textsuperscript{111} By defining female abortionists and their clients as perverse, society reaffirmed the real qualities of womanhood.\textsuperscript{112}

Additionally, although some doctors were willing to stretch the life of the mother exception to include social conditions and the psychological state of the woman, most would not.\textsuperscript{113} Consequently, increasing numbers of women were dying from botched abortions performed outside of hospitals. By some estimates, 17,000 women died from botched abortions in the 1930s.\textsuperscript{114} This reality intensified the law enforcement crackdown on illegal abortions, but it also encouraged advocacy for family planning through contraception.

At that time women’s groups reacted by fighting for increased availability of contraception. For example, Margaret Sanger’s American Birth Control League campaigned to expand knowledge about, and use of, contraception as a means to prevent abortion. In the 1940s the American Birth Control League changed its name to the Planned Parenthood Federation of America, but its mission remained the same: to prevent the necessity of abortion through contraception. Though Sanger was unwaveringly against abortion, her belief that women could not be free until they could own and control their own bodies later inspired other 2\textsuperscript{nd} wave feminists to advocate for the complete repeal of abortion laws.

\textsuperscript{111} Ibid, 19
\textsuperscript{112} Ibid, 19
\textsuperscript{113} McBride, Abortion in the United States, 10
\textsuperscript{114} Ibid, 10
Act II: The Second Wave

In 1962, Sherri Finkbine was the host of a children’s television program, Romper Room, and a mother of four children. However, when she became pregnant with her fifth child, her pregnancy-related discomfort led her to take tranquillizers. When she ran out of her own, she took her husband’s pills, unaware that his contained thalidomide, a drug that causes serious birth defects including nonexistent arms, twisted legs, and other deformities of the hands, feet, and head. When she realized her mistake, she consulted with her doctor and decided that an abortion would be the best course of action.115

Just before the procedure, however, Sherri contacted a newspaper to share her story and warn other women about the dangers of thalidomide.116 News of Sherri’s scheduled abortion spread quickly, and though her name was not included in the story, the hospital was threatened with lawsuits.117 The hospital attempted to argue that problem pregnancies, like Sherri’s, cause psychological de-stabilization that threatens the mother’s life. However, the court dodged the issue, and the hospital cancelled Sherri’s scheduled abortion. Sherri responded by flying to Sweden to have the abortion.118

Sherri’s story was picked up by national news media and became one of the first to bring public awareness to the issue of abortion in modern times.119 The difficulties she faced provided the perfect means to challenge abortion laws because she was a good, family-woman who was faced with abortion as the result of an accident. Her case challenged only criminal abortion; it did not challenge strong public values like family,

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115 Condit, Decoding Abortion Rhetoric, 28.
116 McBride, Abortion in the United States, 12
117 Condit, Decoding Abortion Rhetoric, 28
118 Ibid, 29
119 Ibid, 28; McBride, Abortion in the United States, 12
healthy fetuses, or mothering. Condit, Decoding Abortion Rhetoric, 29 Consequently, abortion advocates used her story as an example of the ways in which abortion laws of the day were too strict to account for the social and medical advances of the twentieth century.\textsuperscript{121}

When Sherri Finkbine’s story broke, a group of doctors and lawyers had already begun working on a proposal to amend abortion laws. In 1959, the American Law Institute (ALI) had drafted a model statute that allowed women to obtain abortions in cases like Sherri’s. The statute recommended allowing licensed physicians to terminate a pregnancy when the physician believed that “there is substantial risk that the continuance of the pregnancy would gravely impair the physical and mental health of the mother or that the child would be born with grave physical or mental defects or that pregnancy resulted from rape, incest, or other felonious intercourse.”\textsuperscript{122} While the ALI’s model statute expanded the situations in which abortion was legal, it largely continued the principle that it was the responsibility of the doctor to decide whether a woman could obtain an abortion in a particular circumstance. Additionally, under the statute, abortion was reserved primarily for health-related problems, except in cases of sexual assault.\textsuperscript{123}

Advocacy for abortion rights changed dramatically when the women’s movement got involved.\textsuperscript{124} In 1966, the National Organization for Women (NOW) was founded as the first civil rights organization for women.\textsuperscript{125} Its initial purpose was ending workplace

\begin{thebibliography}{99}
\bibitem{120} Condit, Decoding Abortion Rhetoric, 29
\bibitem{121} McBride, Abortion in the United States, 12.
\bibitem{122} Ibid, 11
\bibitem{123} Ibid, 119
\end{thebibliography}
discrimination against women, and its 1966 statement of purpose focused on that goal. For example, the founding members affirmed that they did "not accept the traditional assumption that a woman has to choose between marriage and motherhood, on the one hand, and serious participation in industry or the professions on the other." While this initial statement did not mention abortion, it clearly recognized women's reproductive function as part of the problem with equal employment opportunities. Just one year later, the organization went further in its support of women’s reproductive freedom when it became the first national organization to endorse the legalization of abortion at its second annual conference in 1967. Additionally, in 1967, the organization listed abortion among its top eight priorities along with issues like sex discrimination, maternity leave, and child day care centers in its "Bill of Rights."

NOW was not the only women’s rights group to advocate total repeal of abortion laws. In fact, McBride says that the real energy for repeal campaigns came from less known, local Women’s liberation groups like the New York City Redstockings and the Chicago Women’s Liberation Union. Advocacy by women’s groups for the total repeal of abortion laws was important because it radically changed the terms of the debate.

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126 Linda Greenhouse and Reva Siegel, eds., Before Roe v Wade: Voices that Shaped the Abortion Debate Before the Supreme Court’s Ruling, (New York: Kaplan, 2010), 36
127 History, now.org
128 Ibid.
129 Greenhouse and Siegel, Before Roe v Wade, 36-38
130 McBride, Abortion in the United States, 13

The Redstockings were a women’s liberation group that focused on women’s liberation theory. In addition to their work to break taboos concerning abortion, the Redstockings also are known for coining terms like “consciousness-raising,” “the personal is political,” “the politics of housework.” “About Redstockings of the Women’s Liberation Movement.” Accessed October 25, 2012, http://www.redstockings.org/index.php?option=com_content&view=article&id=53&Itemid=67

The Chicago Women’s Liberation Union (CWLU) was a network of small grass roots groups that joined together to pool resources but that maintained a good deal of autonomy. Though the CWLU was led by mostly white women, its outreach focused on women of color and its umbrella included many women of color groups. “About CWLU,” Accessed October 25, 2012, http://www.cwluerstory.org/About-CWLU/
Since the nineteenth century the abortion debate concerned the rights of doctors to prescribe an abortion for their patient, but by the 1970s abortion became a women’s rights issue.

Betty Friedan, author of *The Feminine Mystique* and the first president of NOW, clearly articulated the case of abortion as a women’s rights issue in her speech, *Abortion: A Woman’s Right*. She delivered the speech in 1969 at the First National Conference on Abortion Laws. In her speech, Friedan argued that reform was not change at all. Rather, reform was from the point of view of men and still regarded women as passive. According to Friedan, men had no right at all to tell a woman when and under what circumstances she must have a child. For Friedan, only total reproductive freedom could give women full self-determination and dignity, and, therefore, she declared it to be a basic civil right.\(^{131}\)

At that Conference in 1969, Friedan and a group of other abortion rights advocates, led by Lawrence Lader, founded the National Association for the Repeal of Abortion Laws (NARAL). NARAL's purpose and policy statement mirrored Friedan's demands. After affirming the rights of women, the policy statement had two specific requirements:

1. Safe abortions performed by physicians should be readily available to all women on a voluntary basis, regardless of economic status without legal encumbrance.

\(^{131}\) Greenhouse and Siegel, *Before Roe v Wade*, 38-40
2. As a medical procedure, abortion should be subject only to the general laws regulating licensure and practice.\textsuperscript{132}

These requirements focused on the rights of women rather than the rights of doctors, and called for open access to abortion.

NARAL and other abortion advocacy groups used rhetorical narratives to change public opinion about abortion. Arguably, the most compelling narratives the movement used were stories of botched illegal abortions. According to Celeste Michelle Condit, popular magazines often contrasted “safe and simple” legal abortions with graphic descriptions of the instruments of illegal abortions:

bizarre items doctors have found include turkey quills, knitting needles, hairpins, rattail combs, plastic bottles and even elastic bandages, as well as the most favored instrument of the amateur—a straightened out wire coat hanger inserted into a catheter.\textsuperscript{133}

Magazines often followed these horrifying lists of instruments with even more appalling descriptions of entire botched abortions.\textsuperscript{134} These tales were made even more compelling because the victims were good, ordinary women who faced circumstances outside their control (as in the case of Sherri Finkbine).\textsuperscript{135}

\textsuperscript{132} Ibid, 42
\textsuperscript{133} Condit, \textit{Decoding Abortion Rhetoric}, 26
\textsuperscript{134} Ibid, 27
\textsuperscript{135} Ibid, 27
By 1971, a majority of Americans supported the legalization of abortion, and just two years later, that majority grew to 57 percent. Additionally, by 1973, fifteen states had enacted changes to, or repealed, their abortion statutes. Twelve of those states adopted some form of the ALI model statute, and four states, Washington, Alaska, Hawaii, and New York, had repealed their statutes. While some claim that even without the Supreme Court’s intervention, the wave of support of abortion law reform would have resulted in the repeal of abortion laws in all fifty states, McBride suggests that this outcome was unlikely largely because opposition for reform started gaining strength.

The movement, which began with doctors and lawyers, to expand the exceptions for legal abortion, and then was transformed by the women’s movement, achieved nearly total victory in the Supreme Court decision, *Roe v. Wade*. *Roe v. Wade* was a challenge to Texas’ law that prohibited the procurement or attempt of an abortion except when based upon medical advice to save the life of the mother. When the Supreme Court ruled in *Roe v. Wade*, it also ruled in another case, *Doe v. Bolton*, which involved a similar, but more recently enacted, law. In both cases, treated as a single decision, the court ruled by a 7-2 majority that it was “a woman’s decision whether or not to terminate her

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137 Ibid, 15
138 Ibid, 15
139 The woman involved in the case, Jane Roe (pseudonym for Norma McCorvey) wanted an abortion because she could not afford to raise a child.
 pregnancy.” The decision was based upon a right to privacy as construed in the 

_Griswold v. Connecticut_ decision.

The court also recognized that this right to privacy is not without limits because the government does have some legitimate interest in regulation of medical practices and protecting the fetus. In order to balance these interests, the court established guidelines based upon three trimesters of pregnancy. The government may not prohibit abortions occurring before the third trimester; however, the state may enact regulations after the first trimester if those regulations are reasonably related to maternal health. Therefore, while the court provided far more power to women, it maintained some power for the state and opened a political can of worms.

**Act III: The Conversation Continues**

The _Roe v. Wade_ decision mobilized the pro-life movement and established the terms of the abortion debate. According to Celeste Michelle Condit, the most powerful rhetorical strategy the pro-life movement used to persuade the American public was the image of fetuses that were smiling and “baby-like” or butchered with crushed skulls and mangled limbs. This strategy of using horrific images is similar, in some ways, to the strategy employed by the reform effort. Rather than focusing on the tragedy of dying women, the pro-life movement’s visual strategy focuses on the tragedy of dying fetuses. In fact, in the years immediately following _Roe v. Wade_, advocates often brought fetuses

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140 Ibid, 16.
141 Ibid, 16-17.
142 Ibid, 18.
143 Ibid, 43-59.

_Griswold v. Connecticut_ was a 1965 Supreme Court decision in which the Court ruled that states could not make contraceptive use by married couples illegal because such a law would interfere with the couples’ right to privacy concerning their sex lives and procreation. McBride, _Abortion in the United States_, 12.
in jars to legislative hearings. Later, advocates brought packets of photographs to present the images. More recently, advocates disseminated the images through mass media, on billboards, and in films.\textsuperscript{144}

Abortion advocacy groups’ first attempt to use the concept of “equality,” building on the civil rights movement quickly evolved into a demand for the right to choose. “Choice” did not simply refer to the legal right to choose abortion, but also to the educational, vocational, and lifestyle choices women desired that were in addition to, or instead of, motherhood.\textsuperscript{145} Additionally “choice” has evolved to include issues of economic access in addition to legal access to abortion.\textsuperscript{146}

However, although pro-choice has become synonymous with abortion rights advocacy, other groups like FFL also utilize the term in opposition to abortion. FFL was established in 1972 when one of its founding members, Pat Goltz, was kicked out of NOW for her opposition to abortion. However, according to Thomas, FFL was not a major player in the abortion debate until the 1990s when the organization relocated to Washington D.C., became more politically active, and updated its image with slogans like “refuse to choose” and “women deserve better than abortion.”\textsuperscript{147}

According to FFL, the organization’s focus on women and women-centered solutions continues a long tradition of feminist opposition to abortion.\textsuperscript{148} FFL’s website

\textsuperscript{144} Ibid, 43-59.
\textsuperscript{145} Condit, Decoding Abortion Rhetoric, 34-35.
\textsuperscript{148} Thomas, “Misappropriating Women’s History,” 12
prominently features a link for “Feminist History,” which includes profiles and quotations from numerous feminist leaders. Additionally, FFL’s quarterly magazine entitled The American Feminist contains a running column entitled “herstory” which spotlights feminist foremothers.

According to FFL, women feel coerced by social and economic forces into having abortions. FFL’s outreach, intended to fight the reasons that cause women to seek abortions, largely focuses on college-age women. Current FFL president Serrin Foster began delivering speeches on college campuses shortly after she became executive director of the organization in 1994.149 Her speech, “The Feminist Case Against Abortion,” was originally designed to educate college students about the history of pro-life feminism, a point of view that she found missing in most women’s studies programs. 150 Foster’s early advocacy on college campuses included an ad campaign that asked students whether abortion advocates had delivered on their promise of “choice” considering the fact that students without practical resources do not really have a free choice.151

As Foster traveled to college campuses, she began to ask students if they knew any other students who were pregnant at their school.152 According to Foster, many students knew someone who had been pregnant, but they had never seen any visibly pregnant students. Foster came to the conclusion that students who wanted to stay in

150 Ibid, 3
151 Ibid, 3
152 Ibid, 3
school were forced to have abortions. Foster’s experience led her to establish the College Outreach Program, which guides and directs colleges on how to better support pregnant and parenting students. More recently, FFL advocated for the Elizabeth Cady Stanton Pregnant and Parenting Student Services Act. The Act would have provided resources and support for pregnant college women. Though the bill did not pass in its entirety, the core tenants were included in the Affordable Care Act.

**Conclusion**

The abortion debate in the United States is complex and contentious. According to McBride, there is no other country in the world where the debate over abortion is as intense or pervasive: “The conflict affects our legislatures, political parties, courts, churches, school hospitals—and even our foreign policy.” Understanding the history of the debate provides insight into the arguments that advocates on all sides of the issue use today. Specifically, a historical perspective of the key issues such as, who should control women’s reproduction, who has the right to decide whether women have access to abortion (if anyone) and whose interest must be protected, the woman’s or the fetus’ helps to understand complex positions like that of FFL, as that position is expressed in Foster’s speech, “The Feminist Case Against Abortion.”

Foster’s speech represents FFL’s unique voice in the abortion rights debate, and it is best understood as a strand in the larger, and richer, history of abortion rhetoric. In contrast to other pro-life groups, FFL avoids arguments concerning the personhood of the

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153 Ibid, 4
fetus and the morality of abortion and instead focuses on <choice>. In the next chapter I establish a framework for understanding the persuasive appeal of Foster’s message which redefines <choice> using a specific interpretation of historical feminist beliefs about abortion.
CHAPTER 3
A THEORETICAL FRAMEWORK FOR UNDERSTANDING FOSTER’S SPEECH

The long and varied history of abortion advocacy encourages communication scholars to explore its nuances. Celeste Michelle Condit’s book, *Decoding Abortion Rhetoric: Communicating Social Change*, traces the rhetoric of the abortion debate from the 1950s, and focuses on how legal and cultural consensus was molded through the public advocacy of opposing groups.156 According to Condit, abortion rhetoric in the late 1970s and early to mid 1980s was characterized by a split between the general public and advocates/opponents of abortion rights.157 The attitude of the general populace favored compromise. In fact, a majority of Americans accepted the major arguments of both pro-life and pro-choice rhetoric. They believed that a woman should be able to control her own body, and that a fetus is a person long before it is born.158

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156 Condit, *Decoding Abortion Rhetoric*, xii
158 Ibid, 148.
In contrast, the rhetoric of supporters and opponents of abortion rights got more and more heated during that time period. Rather than attempt to achieve compromise or refute points of disagreement, activists on both sides of the debate used a rhetorical strategy called “over-weighing.” This strategy attempts to show how the values and interests of one side carry more weight than the values and opinions of the other side. Condit argues that when two well-developed ideologies clash, activists know that the public is aware of the strengths of both sides of the argument. If supporters are not willing to accept the strong points of the other side of the argument, they are forced to argue that no part of the opposition argument can be accepted because the values of the supporters completely outweigh the values of the opposition.

According to Condit, in the years following Roe v. Wade, the pro-life movement became increasingly disillusioned. Their frustration stemmed both from each sides’ refusal to compromise, and from their recognition that the pro-choice movement had the legal upper-hand. This growing dissatisfaction gradually led groups of pro-life activists away from persuasion and toward coercion and violence. First, they picketed abortion clinics and legal buildings. Picketing was so widespread in the 1980s that almost every abortion facility had at least one person picketing in front of it every day. These protesters would use nonviolent means of persuasion and intimidation to attempt to stop
individual women from entering abortion clinics.\(^{166}\) Before long, picketing escalated to civil disobedience and violence. On Christmas Day, 1984, four pro-life activists planted bombs at three abortion facilities in Pensacola, Florida. While no one was hurt in the explosions, the bombs caused a half million dollars of damage and temporarily halted the activities of those abortion clinics.\(^{167}\) Although, many pro-life groups spoke out against the bombing, Condit argues that the widely-accepted strategy of over-weighing contributed to the mindset that resulted in violence.\(^{168}\) She contends that when advocates decide that they can ignore the values of the opposition rather than seek compromise, they are able to depict the opposition as devil figures and themselves as saints. Additionally, if the value system of one particular side is the only value system, that side can justify using any means necessary to support their value system.\(^{169}\)

Condit’s conceptualization of the source of the escalation of the abortion debate provides a useful backdrop for analyzing Serrin Foster’s speech, “The Feminist Case Against Abortion,” because it emphasizes both the ideological nature of the debate and the need to find a point of disagreement upon which a profitable discussion can be built. However, Foster’s speech represents a unique perspective that Condit’s framework does not entirely explain. Therefore, this chapter builds on Condit’s argument by expanding the context of the analysis beyond 1950 and by starting with the concept of stasis. In addition to stasis theory, this distinctive framework incorporates Foster’s use of

\(^{166}\) Ibid, 159. Additionally, pro-life advocates set up offices that they advertised as abortion clinics. When women came to the offices to have an abortion, the advocates would force the women to watch pro-life films and read other pro-life materials.
\(^{167}\) Ibid, 153.
\(^{168}\) Ibid, 160.
\(^{169}\) Ibid, 160.
ideographs and arguments from the past to better understand the unique context to which she responded.

**Stasis Theory**

Condit is not the only scholar to emphasize the importance of the ability to identify the point of disagreement. Classical rhetoricians proposed stasis theory as a means to identify and categorize points of disagreement. Stasis theory is a rationalistic approach to understanding the key points of an argument when there is disagreement between two sides. The theory was codified by Hermagoras in the second century BCE. However, his writings were lost, so rhetoricians and other scholars reconstructed it based on the writings of Cicero, Quintilian, and other classical thinkers.

Under stasis theory, in order to understand any argument, one must first identify the point of stasis. The point of stasis is the brief pause in motion where two opposing forces come together in agreement on the identity of the point at issue. For example, in a dispute about professional baseball the disputants may agree to discuss whether strikes should be determined using technology or human umpires. Crowley and Hawhee argue that hasty arguments that do not include stasis can lead to stalemates, shouting, and violence. Like Condit, they claim that the problem with the abortion debate since *Roe v. Wade* is that the statements of the opposing sides achieve stasis. People who oppose

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170 Quintilian, *Institutes of Oratory*, Book III, Chaper 6, paragraph 60.
Cicero, *De Inventione*, I, VIII. 10-11
Sharon Crowley and Debra Hawhee, *Ancient Rhetorics for Contemporary Students* (New York: Pearson, 2009), 71
abortion generally argue that abortion is murder, while people who support abortion rights argue that women have the right to choose with regard to their own bodies.\textsuperscript{174} Crowley and Hawhee contend that, in order to resolve the conflict, the opposing sides should agree to argue on the grounds that abortion is or is not murder, or on the grounds that women do or do not have the right to decide what happens to their bodies.\textsuperscript{175} Either of these lines of argument would identify a point of stasis, as the parties would be agreeing on the issue at stake in the larger argument.

After identifying the point of stasis, the next step in understanding an argument is to identify the type of stasis that is at issue. Classical rhetoricians established four types of stasis: conjecture (is there an act to be considered), definition (how can the act be defined), quality (how serious is the act), and policy (should this act be submitted to some formal procedure).\textsuperscript{176} The four stases can be applied to a concrete act/event, such as a crime. For example, if someone were accused of stealing, the first question is, “did the person do the act?” The second question is, “was the act a theft?” The third question is, “was the act morally right or wrong?” After each of these questions has been answered, the final question is, “should the person be tried for the offense?”\textsuperscript{177} This example illustrates the legal use of the four stases; however, the four stases also can be used to understand disputes concerning ideas like justice and equality.\textsuperscript{178}

\textsuperscript{174} Ibid, 81
\textsuperscript{175} The idea that the abortion debate could be resolved if the opposing parties agreed on these particular terms seems overly optimistic and ignores the realities of the situation.
\textsuperscript{176} Ibid, 85; Cicero, Inv. 1.10-16; Quintilian, \textit{Institutes of Oratory, Book III, Chapter 6, Para. 82}
\textsuperscript{177} Quintilian, \textit{Institutes of Oratory, Book III, Chapter 6, Para. 82; Aristotle, Rhetoric, Book II, Chatper 17, Para. 25}
\textsuperscript{178} Cicero, \textit{De Inventione}, I, VIII. 10-11
\textsuperscript{178} Ibid.
Both Aristotle and Cicero recommended working through the four stases in order to determine both the points of agreement and the points of disagreement. However, in the case of theoretical arguments, Jeanne Fahnestock contends that movement between the stases often happens out of order. When deadlock occurs in an argument concerning a particular policy, for example, she recommends moving to a lower stasis like that of conjecture or definition to find common ground. Additionally, she explains that moving between the stases can help opposing parties determine where they are in permanent, fundamental disagreement. There are times when finding points of fundamental disagreement is helpful in resolving a conflict. In the case of the abortion debate, though, Fahnestock observes that the opposing parties are deadlocked on all of the questions of stasis. She suggests that this is the reason the abortion debate has escalated beyond the stases into coercion and violence.

Scholars have not traditionally used stasis theory to explain how rhetors persuade the opposing side to change their position. Rather, classical rhetoricians conceptualized the theory as a method of understanding a person’s defense when a crime was committed. In that context, the opponent must persuade a third party, the judge, to accept his or her perspective. Braet extends this line of reasoning into non-legal contexts arguing that stasis theory is dialectical. Under the dialectical perspective, the critic views the

179 Ibid, 86; Dieter, “Stasis,” 357.
181 Ibid, 223.
182 Ibid, 223.
183 Ibid, 223. Fahnestock labels this move to coercion an antistasis.
184 Quintilian, Institutes of Oratory, Book III, Chapter 6, Para. 82
arguments as they would be accepted by a critical audience, rather than weighing them against some objective standard. Braet’s emphasis on the critical audience suggests that, under stasis theory, the effect of a speech should not be determined based upon the response of the opposition. Rather, identification of the third party judge, who may or may not be present during the event, is necessary to understand the persuasive power of a particular speech.

While scholars appear to agree the opposing sides of the abortion debate are deadlocked, Condit’s observation that the general public often agrees with both sides suggests that there may be a gray area where additional perspectives may be helpful. Additionally, while scholars may not agree on the specifics of what causes the deadlock, their explanations have a common thread: the opposing sides of the debate do not directly respond to and answer each other’s questions. For Condit, they do not answer each other’s questions because they use the technique of over-weighing to disregard each other’s arguments. For Crowley and Hawhee, the opposing sides refuse to agree on the point at issue, and for Fahnestock, the opposing sides are at a deadlock on all four types of stasis. Each of these explanations highlights the necessity of finding stasis to move the conversation forward.

**Ideographs**

The persuasive appeal of Foster’s speech depends not only on determining the point of stasis but also on her use of ideographs and arguments from the past. According to McGee, political language, like language used to support or oppose abortion rights, is

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1. Ibid; In contrast, Braet argues that one of the primary features of the rhetorical perspective is that it is monological. It views the effectiveness of an argument based upon a passive audience.
2. Ibid
characterized by slogans, called “ideographs.” These slogans have the capacity to control decision making and to control public belief and behavior.\footnote{188} McGee defined ideographs this way:

An ideograph is an ordinary language term found in political discourse. It is a high order abstraction representing collective commitment to a particular but equivocal and ill-defined normative goal. It warrants the use of power, excuses behavior and belief which might otherwise be perceived as eccentric or antisocial, and guides behavior and belief into channels easily recognized by a community as acceptable and laudable.\footnote{189}

According to McGee, the power of ideographs is that they elicit predictable, automatic responses.\footnote{190} McGee illustrates this phenomena with a military example. According to McGee the majority of Americans were not surprised when young men decided to go to war with no better rationale than “God,” “country,” and “apple pie.” Instead, Americans were surprised when young men made a more rational choice: move to Canada to avoid the draft.\footnote{191} The predictable response in this case was blind patriotism.

Condit’s discussion of the acts of violence that occurred as a result of the abortion debate further emphasizes the power of ideographs. According to Condit, pro-life activists that use the strategy of over-weighing to disregard the values of the opposition

\footnote{189} Ibid, 15.
\footnote{190} Ibid, 6.
\footnote{191} Ibid, 6
are able to justify any means necessary to protect <life>. Since <life> is far more important than other values like <law> and <peace>, even violent actions can seem appropriate.

Though ideographs function predictably in a society, they do not have a set meaning for all of society. According to McGee, groups often are separated based upon their disagreement about the identity, legitimacy, or definition of ideographs. Therefore, ideographs can be examples of definitive stasis. Condit concurs, and further emphasizes that long term power struggles between groups occur not just as a result of disagreement over the definition, but as a result of those groups’ attempts to control the meaning of an ideograph. Groups struggle over the meanings of ideographs because ideographs are a source of power, and they justify particular behaviors. Therefore, whoever controls the meaning of <life> and <choice>, for example, controls the public’s response to the controversy.

The meaning of an ideograph in a specific instance (synchronic) depends, in part, on an understanding of the meaning of that ideograph over time (diachronic). Delgado argued that ideographs can be traced back to their origin, and that in doing so, scholars can better understand the creation of new ideologies. Condit’s analysis of the abortion debate also includes a discussion of the origin of the ideographs of <choice> and

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192 Condit, Decoding Abortion Rhetoric, 160
193 In this context ideographs serve as Burkean God terms.
195 Ibid, 8
196 Condit, Decoding Abortion Rhetoric, 68.
197 McGee, 11-12; DeLuca, Image Politics, 44.
According to Condit, a historical understanding of the ideograph of \texttt{choice} helps to explain why it focuses on questions of legality over questions of access. Both Delgado and Condit used history to better understand the contemporary meaning of an ideograph and the ideology that it represents. Their analysis illustrates the relationship between ideographs and arguments from the past.

\textbf{Arguments from the Past}

Foster’s redefinition of the ideograph of \texttt{choice} depends on arguments from the past. In fact, her speech begins with historical examples of feminists who opposed abortion, and she uses their opposition to support her pro-life stance. This strategy is particularly appropriate because, as discussed above, the meaning of ideographs is dependent upon their history. History, then, can function in at least two ways. First, it can aid the critic in understanding the meaning of an ideograph in a particular context. Second, history can aid the rhetor in redefining an ideograph. Redefining the history of a term changes its meaning. Arguments from the past can create a different definition of \texttt{choice} in the present by retelling stories of women’s rights and abortion. Rhetors are able to tell new stories of the past because there is no one correct telling of the past. Gronbeck differentiates between the past, which is unknowable, and history, which is discourse about the past. He argues that all history is argument, and rhetors

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appropriate history to make arguments about the present.\textsuperscript{203} For example, a politician may tell a story about a past law that had some negative consequence in an effort to persuade present lawmakers to refrain from passing a similar law.\textsuperscript{204} Similarly, a politician may argue that a particular law should or should not be passed based upon the beliefs of the “Founding Fathers” or of a particular past president. In both cases, the speaker appropriates the past to make a present argument.

Gronbeck describes two types of arguments from the past. First, he identifies the analogical argument, which focuses on decision-making in particular instances. Analogical arguments draw attention to similar or dissimilar relationships between persons, places, things, or events, and uses past events to solve problems or block proposals. Supreme Court precedents are an excellent example of analogical arguments, as are lessons we draw from previous successes or failures.\textsuperscript{205} However, analogical arguments also can function to reinforce or challenge value systems. For example, Zarefsky used analogical arguments from the past to analyze the similarities between the nineteenth century slavery debate and the twentieth century abortion debate, specifically the pro-life movement’s use of the U.S. Supreme Court’s decision in the \textit{Dread Scott} decision as an analogue to the \textit{Roe v. Wade} decision. Zarefsky outlined several similarities between the decisions and argued that the power of the comparison for pro-life advocates is that it paints them as moral visionaries in the tradition of the abolitionists. Additionally, the analogy provides hope for the pro-life movement because

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\textsuperscript{204} Gronbeck, “The Rhetorics of the Past: History, Argument, and Collective memory,” 55

\textsuperscript{205} Ibid, 56-57
\end{footnotesize}
it suggests that, like in the case of slavery, the Supreme Court will eventually come to see their error, overturn *Roe v. Wade*, and make abortion illegal. Zarefsky’s analysis illustrates the persuasive power of linking past events to present controversies.²⁰⁶

Gronbeck’s second type of argument from the past is the genetic argument. The genetic argument traces an idea to its moment of origin. He provides the example of models for Americanism. Gronbeck explains that it makes a significant difference whether one believes that Americanism is grounded in seventeenth century British religious dissenters or eighteenth century revolutionary colonists. A history defined by British religious dissenters emphasizes the Puritan ethic, individual initiative, and unquestioning commitment to values. A history defined by revolutionary colonists emphasizes both the individual and collective contexts of liberty, and elevates civic principles over civil ones.

Similarly, a person will have a very different view of the abortion debate if the person believes that the pro-life movement is grounded in a group of physicians’ attempts to control female reproduction, or in early feminists’ desire to protect women. Under the former, pro-lifers were controlling male doctors, and thus the pro-life movement seems patriarchal and oppressive to women. On the other hand, if pro-lifers were feminists, the movement seems woman-centered and empowering. Under Gronbeck’s theory, the

differences in outcome caused by differing histories are important because they are used to inform current actions and ideals.\textsuperscript{207}

According to Gronbeck, genetic arguments function in two ways. First, the argument relies on progressivism to suggest that current actions will continue a course of ideas that started in the past and will continue to the future. Second, the argument essentializes some part of civic life by pointing to its origin and requests recommitment to that fundamental value. Both of these functions point to the power of argument from the past in shaping not just particular actions, but value systems that, in turn, guide all decision-making.\textsuperscript{208} Arguably, this power to shape value systems could make arguments from the past particularly effective in controversies that are heavily value-laden, like the abortion debate.

Therefore, the link between ideographs and arguments from the past extends beyond the diachronic- nature of the ideograph. Additionally, the value-shaping, decision-guiding power of arguments from the past makes them a perfect tool for understanding how people redefine an ideograph, a term that also shapes values and guides decision-making. Foster’s use of arguments from the past to redefine <choice>, then, should help to explain the persuasive power of her speech.

**Summary of Theoretical Framework**

The theoretical framework that best describes FFL’s unique contribution to the abortion debate depends on stasis theory, ideographs, and arguments from the past. This framework isolates the point at issue, the definition of an ideograph, and then describes

\begin{itemize}
  \item \textsuperscript{207} Ibid, 56-57
  \item \textsuperscript{208} Ibid, 56-57
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how historical arguments can be utilized to support her definitional argument. By focusing on the definition of an ideograph, this framework explains both how the argument functions and why it is persuasive.

“The Feminist Case Against Abortion”

Foster’s speech, “The Feminist Case Against Abortion,” represents FFL’s perspective in the abortion debate. Foster, the president of FFL, originally designed the speech to educate college students about the history of pro-life feminism, a point of view that she found missing in most women’s studies programs. However, while Foster continues to deliver the speech on college campuses, she also presented the speech in many other national and international contexts for over ten years. Additionally, FFL’s website lists recommended readings, including a link to a version of the speech that was published in FFL’s publication, *The American Feminist.*

The speech opens with a discussion of the first wave feminists’ opposition to abortion. Foster then contrasts their opposition to abortion with the leaders of the second wave of feminism and their support for abortion. According to Foster, it was actually a man, Larry Lader, who convinced Betty Friedan to support abortion on the grounds that it would make women more employable. From Foster’s perspective these second wave feminists abandoned the vision of the early feminists and the essential values of feminism: that women be respected and accepted as women. The final portion of

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209 Ibid, 3
211 Appendix, para. 10
212 Respecting women as women is in contrast to the idea that women must become more like men (masculine) in order to gain respect from the masculine community. For example, men do not give birth.
Foster’s speech provides FFL’s vision for addressing the root causes of abortion and providing women-centered solutions.

In her support of various strategies, including funding for comprehensive programs that emphasize teen pregnancy prevention, child support legislation, funding for pregnancy centers, right to know legislation, support from employers, and Feminists for Life’s College Outreach Program, Foster repeatedly uses terminology that emphasizes empowerment and <choice> for women: “empowering young men and women to make life-affirming <choices>;”213 “give women <choices> other than abortion;”214 “informed <choice>;”215 “women have the right to make informed decisions. We can empower women;”216 “meaningful options;”217 “the rest of the <choices>;”218 and “help provide more <choices> for women.”219 Foster’s use of this language reveals her understanding of <choice> and creates a narrative that emphasizes FFL’s affirmation of <choice>.

Conversely, when she describes the words and actions of pro-choice advocates she uses language that opposes choice: “pressured by partners;”220 “coerce women into having an abortion;”221 “no choices other than abortion;”222 “choose between their child and their job. That is no choice at all;”223 “choose between their education and life plans

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The idea that women must stop giving birth to gain respect in their employment would be contrary to the concept of respecting women as women.

213 Ibid, para. 15
214 Ibid, para. 18
215 Ibid, para. 19
216 Ibid, para. 20
217 Ibid, para. 21
218 Ibid, para. 22
219 Ibid, para. 23
220 Ibid, para. 16
221 Ibid, para. 16
222 Ibid, para. 18
223 Ibid, para. 21
and their child;”\textsuperscript{224} and “the only choice that they are aware of is between various abortion clinics.”\textsuperscript{225} Her use of anti-choice rhetoric when talking about the pro-choice feminist establishment creates a strong contrast between these two opposing sides because it creates a narrative for pro-choice advocates that is decidedly anti-choice. In so doing, she fundamentally redefines choice for her audience.

**Conclusion**

This chapter developed a theoretical context that helps identify the point at issue, the definition of an ideograph, and how a speaker uses arguments from the past to support a particular definition of that ideograph. This framework explains how Foster avoids the common problem of over-weighing that Condit identified as part of the broader abortion context. By avoiding over-weighing, Foster is able to move the debate in a different direction. The next chapter uses this framework to analyze Foster’s speech. First, it identifies the point of stasis between Foster and abortion rights activists and unpacks Foster’s revised of $\text{<choice>}. Second, it focuses on Foster’s reconceptualization of the history of the abortion debate to redefine $\text{<choice>}$ in a way that is both pro-life and pro-women. The theoretical context helps to explain how her discussion of feminist foremothers and the history of feminism’s support of abortion acts as support for her redefinition of $\text{<choice>}$.  

\textsuperscript{224} Ibid, para. 21  
\textsuperscript{225} Ibid, para. 22
CHAPTER 4
A CLOSER LOOK AT “THE FEMINIST CASE AGAINST ABORTION”

In her oral arguments to the Supreme Court in the case of Roe vs. Wade, Sarah Weddington pointed to the social and economic effects that motherhood can have on women. She said,

I think it's without question that pregnancy to a woman can completely disrupt her life. Whether she's unmarried; whether she's pursuing an education; whether she's pursuing a career; whether she has family problems; all of the problems of personal and family life, for a woman, are bound up in the problem of abortion.226

Weddington offered several examples of how pregnancy could negatively affect the life of a woman, including schools that force a woman to quit if she becomes pregnant. She also pointed to employment consequences such as the lack of maternity leave and earning gaps that limit a woman’s ability to provide for her family while she is pregnant or after childbirth. According to Weddington, the life-altering consequences of pregnancy made it necessary that a woman be able to choose to terminate a pregnancy:

So, a pregnancy to a woman is perhaps one of the most determinative aspects of her life.

It disrupts her body. It disrupts her education. It disrupts her employment. And it often disrupts her entire family life. And we feel that, because of the impact on the woman, this certainly and as far as there are any rights which are fundamental is a matter which is of such fundamental and basic concern to the woman involved that she should be allowed to make the choice as to whether to continue or to terminate her pregnancy.227

Weddington’s argument, based upon the difficulties faced by women who experience unplanned pregnancies, has echoed throughout the abortion debate since then. In fact, in her book, Decoding Abortion Rhetoric: Communicating Social Change, Condit argues that the ideograph of <choice> was born out of this sentiment.228

Condit traces the history of the ideograph of <choice> before and after the Supreme Court’s decision in Roe v. Wade. According to Condit, the term was a direct expression of women who felt trapped into illegal abortions and who felt that the freedom to choose was a key to their liberation.229 As Weddington expressed so well, they wanted to have the ability to make decisions concerning the course of their lives and the lives of their families, and they did not want to break the law or unnecessarily risk their health to exercise that choice.230 Believing that abortion rights were fundamental rights for women, the National Organization for Women became the first national organization to endorse

227 Ibid, 8.
228 Condit, Decoding Abortion Rhetoric, 71-72.
229 Ibid, 71-72.
230 Ibid, 72.
the legalization of abortion in 1967. Later, as Serrin Foster points out in her speech, NOW went a step farther, arguing that access to abortion is “the most fundamental right of women, without which all other rights are meaningless.” The link between abortion rights and other women’s rights was established during the height of the second wave of feminism, and abortion rights continue to be a key issue for many prominent women and feminist organizations.

Serrin Foster, however, takes issue with this seemingly taken for granted link between feminism and abortion rights. When she began to travel to college campuses in 1996, she noticed that women’s studies programs generally did not include information about pro-life feminists. Consequently, Foster adapted a speech by her predecessor entitled “The Origins of Pro-life Feminism” to educate students about the “rich 200-year-old pro-life feminist history.” She also identified current problems women face and proposed pro-life solutions to those problems. The resulting speech was Foster’s “The Feminist Case Against Abortion.” In it, Foster directly addresses the link between feminism and abortion rights by using arguments from the past to redefine <choice>. Her argument results in a definition of the ideograph of <choice> as both pro-life and pro-woman. This chapter unpacks Foster’s speech to reveal how it redefines <choice> by first laying out her definition of <choice>, and then analyzing her use of arguments from the past to support her definition.

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232 Appendix, para. 12.
233 Callahan, “The History of Feminists for Life’s College Outreach Program.”
234 Ibid.
The Issue: Definitive Stasis

Arguably, nearly everyone is familiar with the tired script of the recent abortion debate. The pro-choice side argues that women need control over their bodies and lives, and that <choice> offers them that control.\textsuperscript{235} The pro-life side argues that fetuses are human life and that it is immoral to end that <life>.\textsuperscript{236} Either women must always have <choice> or the <life> of the fetus must always be protected.\textsuperscript{237} In essence, it becomes the woman (rights) vs. the fetus (morality). Condit describes the stalemate caused by the inability for either party to compromise. She blames this strategy of “overweighing” for the rise in manipulative and coercive strategies of persuasion that sometimes characterizes the debate.\textsuperscript{238} For all intents and purposes, <life> vs. <choice> is a rhetorical dead-end.

In “The Feminist Case Against Abortion,” Foster avoids this dead-end by navigating around the issue of morality and focusing instead on the definition of <choice>. She argues that the pro-choice movement misunderstands the concept of <choice> and offers a new definition of <choice> that is both pro-life and pro-woman. In doing so, she finds definitive stasis. This section will unpack Foster’s definition of <choice> by looking, first, at what she thinks <choice> is and then at what she thinks <choice> is not. Finally, this section briefly addresses the absence of a clear argument concerning the morality of abortion that is normally ubiquitous in pro-life argumentation.

\textsuperscript{235} Condit, Decoding Abortion Rhetoric, 72.  
\textsuperscript{236} Ibid, 61, 151.  
\textsuperscript{237} Ibid, 151, 164.  
\textsuperscript{238} Ibid, 147-166.
The ideograph of <choice> is Foster’s central theme. When she describes efforts of FFL to support women, she uses terminology that emphasizes empowerment and <choice> for women: “empowering young men and women to make life-affirming <choices>;”239 “give women <choices> other than abortion;”240 “informed <choice>;”241 “women have the right to make informed decisions. We can empower women;”242 “meaningful options;” 243 “the rest of the <choices>;” 244 and “help provide more <choices> for women.”245 Foster’s use of this language not only focuses her audience on the issue of choice, but it also reveals her understanding of “choice” and creates a narrative that emphasizes FFL’s affirmation of a specific form of <choice> that is different from popular notions of <choice> at the time.

Conventional uses of <choice> emphasize reproductive choices (ie. the option of legal abortion) or control of employment/lifestyle choices that abortion makes possible. By contrast, Foster equates <choice> with empowerment to make a particular choice. Her definition is based upon the basic assumption that women do not want to choose abortion. She defines <choice> as “empowering” women and men246 to make “life-affirming choices.”247 When Foster argues that requiring women to choose between their children and their education or employment is not a real <choice>, she is implicitly affirming the idea that women really want both. They want to continue their pregnancies, and they

239 Ibid, para. 15.
240 Ibid, para. 18.
241 Ibid, para. 19.
242 Ibid, para. 20.
243 Ibid, para. 21.
244 Ibid, para. 22.
245 Ibid, para. 23.
246 The inclusion of men in her argument warrants further investigation but is outside the scope of this project.
247 Ibid, para. 15.
want to continue their lives. Foster cites a study completed by the Guttmacher Institute, which found that women have abortions for two reasons: “lack of financial resources and lack of emotional support.”

According to Foster, women do not end their pregnancies because they want to do so; rather they end their pregnancies because they lack support. In other words, they end their pregnancies because they feel like they have no <choice>.

Foster’s redefinition of <choice> becomes even more clear when she delineates what is not <choice>. She argues that <choice> is not what the abortion rights movement provides. According to Foster, the ideology the abortion rights movement has been peddling under the guise of <choice> is actually the opposite of choice. She points to women who are “pressured” and “coerced” by their partners who would rather pay for an abortion than pay child support. Additionally, she points to employers that force women to “<choose> between their child and their job.” According to Foster, this impossible situation offers a woman “no <choice> at all.” Similarly, students who must choose between their education and life plans and their child also feel forced into abortion. According to Foster, the only choices of which these students are aware, is the variety of abortion clinics that are available. The abortion right’s movement’s failure to provide “the rest of the choices” leads Foster to reject their definition of <choice> and instead label their efforts as coercive.

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249 Ibid, para. 16.
250 Ibid, para. 21.
251 Ibid, para. 21.
252 Ibid, para. 22.
253 Ibid, para. 22.
Foster lays out Feminist for Life’s plan of action to eliminate these “root causes” of abortion, and, therefore, give women true <choice>. For example, FFL supports increased enforcement of child support laws and educational and vocational support including flex time, job sharing, on-site child care, and telecommuting. FFL also works with colleges and universities to provide women housing, on-site child care, maternity coverage, and information about child support. All of these programs are aimed at “addressing root causes and promoting solutions” to give women the “rest of the <choices>.” By addressing these root causes, Foster contends that FFL frees women from any coercion to choose abortion and allows them to <choose> life. Foster’s description of FFL’s efforts, then, provides additional clarity about what it means to provide <choice>. In the terminology of social scientists, she has “operationalized” her definition of <choice> as empowering women through programs like these. <Choice> is now not the legal availability of abortion but rather the practical availability of motherhood.

Noticeably absent from Foster’s speech is a focus on the morality of abortion. The only place she even mentions this point is through the words of early American feminists. She says that feminists who wrote for Susan B. Anthony’s newsletter, The Revolution, called abortion “child murder,” “infanticide,” “and foeticide.” These words link abortion with acts that Foster’s audience would likely consider immoral. However, Foster avoids looking like the “bad guy” by using the ethos of the feminist

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255 Ibid, para. 21.
256 Ibid, para. 22.
258 Ibid, para. 22.
259 Ibid, para. 3.

Feoticide is the act of aborting a fetus because it is female.
foremothers. Similarly, she quotes Elizabeth Cady Stanton as saying that abortion is a “disgusting and degrading crime.”260 The effect here is that Foster can stay true to her pro-life roots without diverting the attention from her larger argument concerning <choice>.

Foster’s focus on the definition of <choice> establishes definitive stasis and, by doing so, avoids the rhetorical stalemate that can occur when two sides of a debate refuse to argue under the same value system. Rather than focusing on <life> (the issue of morality), she frames the debate in terms of the values of the pro-choice movement. Her definitional argument affirms both the <choices> of women and <life>. The next section will describe her justification for this alternative, pro-woman, pro-life definition of <choice>.

**The Support: Genetic Arguments from the Past**

Foster supports her woman-centered pro-life definition of <choice> using both genetic and analogical arguments from the past. According to Gronbeck, the genetic argument traces an idea to its moment of origin. One of the primary functions of the genetic argument is to essentialize some part of civic life by pointing to its origin and requesting recommitment to that fundamental value.261 Foster traces opposition to abortion back to early feminists, and she uses their ethos to support her pro-woman redefinition of <choice>. Essentially, she says, the feminist foremothers opposed abortion because they did not think it was in the best interest of women. Therefore, her

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260 Ibid, para. 6.
The credibility of this claim is suspect. See this chapter’s discussion of Elizabeth Cady Stanton, under “The Support: Genetic Arguments from the Past.”
audience would be true feminists if they oppose it as well. A second genetic argument from the past provides justification for rejecting the conventional use of <choice>. Foster argues that the feminist movement was duped into supporting abortion rights by men who did not have women’s best interest in mind. This section first highlights Foster’s interpretation of the foremothers’ historical opposition to abortion and then lays out her argument for how the feminist movement lost its way.

Foster’s speech begins with Mary Wollstonecraft. Arguably, Wollstonecraft was an inspiration to American women’s rights advocates who fought for women’s suffrage in the first wave of feminism. Foster claims that in her famous work, *A Vindication of the Rights of Women* Wollstonecraft condemned both infanticide and abortion. According to Foster, the criminalization of abortion in England came shortly after Wollstonecraft’s articulation of her opposition to the practice. Her use of this timeline suggests that Wollstonecraft may have had some influence on the legal status of the practice. Additionally, by starting with Wollstonecraft Foster implies that opposition to abortion rights is so fundamental to feminism that it came prior to the first wave of feminism in America.

Foster also draws on the ethos of Susan B. Anthony and Elizabeth Cady Stanton. She specifically claims that both Susan B. Anthony’s newsletter, *The Revolution*, and Elizabeth Cady Stanton expressed strong opposition to abortion. In reference to *The Revolution* she argues that the newsletter described abortion as “child murder,”

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262 Appendix, para. 1.  
263 Ibid, para. 1.  
264 Ibid, para. 3.
“infanticide,” and “foeticide.”⁶⁶⁵ As discussed previously, linking abortion to these terms suggests that the writers believed abortion to be morally wrong. Additionally, though Foster does not claim that Anthony herself made these statements, Foster’s claim that they were in Anthony’s newsletter suggests that Anthony, a recognizable champion of women’s rights, was opposed to abortion on the grounds that it was immoral. As with Wollstonecraft, Anthony’s ethos connects the pro-life position with historical feminism, suggesting that opposition to abortion is pro-woman. This connection is the first step in Foster’s justification for her definition of <choice>.

The second American feminist foremother Foster cites is Elizabeth Cady Stanton. Stanton’s credentials as a leader in the first wave of feminism are important to Foster’s genetic argument from the past. Consequently, she specifically points out that Stanton organized the first women’s rights convention, which was held in Seneca Falls, New York.⁶⁶⁶ Like Anthony, Stanton is not just another person who argued for the rights of women. Her leadership role makes her a spokesperson for the movement and adds credibility to Foster’s argument from the past.

According to Foster, Stanton considered abortion to be infanticide and linked abortion to the mistreatment of women: “When you consider that women have been treated as property, it is degrading to women that we should treat our children as property to be disposed of as we see fit.”⁶⁶⁷ For Stanton, the fundamental issue is the treatment of human beings as property. The term “property” suggests that the person can be owned,

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⁶⁶⁵ Ibid, para. 3.
⁶⁶⁶ Feoticide is the act of aborting a fetus because it is female.
⁶⁶⁷ Ibid, para. 3.
⁶⁷ Appendix, para. 3.
This reference to treating women as “property” also links abortion to Stanton’s outspoken opposition to slavery.
and, therefore controlled. For Foster, this quotation not only establishes Stanton’s opposition to abortion, but it also supports the narrative that abortion contributes to the control of women. The link to abortion as controlling women is important to Foster’s justification of her definition of <choice> because it suggests that opposition to abortion rights is not just generally pro-woman. Opposition to abortion rights also gives women more control over their lives.

Foster does not claim the ethos of only Wollstonecraft, Anthony, and Stanton. She asserts that all American first wave feminists in the 19th century opposed abortion, “without known exception.”268 Foster says that they did so because they “believed in the worth of all humans.”269 This statement establishes the origin of FFL’s commitment to their opposition to abortion on two grounds. First, the worth of all humans is a common pro-life argument for the right to life of the fetus. Second, the worth of all humans includes the worth of women. Essentially, the foremothers did not choose between the woman and the fetus. They valued both. This concept is vital to Foster’s understanding of <choice>: empowering women to make a particular choice. As she indicates later in the speech, choosing between mother and baby is no <choice> at all. Her definition of <choice> requires that women be empowered to make the decision they want to make, and, for Foster, that means <choosing> life.

According to Foster, the early feminists were not just opposed to abortion rights, they actually labored alongside predominantly male medical professionals and the media to enact anti-abortion laws. The idea that feminists worked to criminalize abortion,

268 Ibid, para. 2.
269 Ibid, para. 2.
though, is less important to Foster’s redefinition of <choice> than their reason for doing so. Foster says that they worked hard to enact these laws in order to “protect both women and children.”270 Again, this historical emphasis on both women and children reinforces Foster’s claim that <choice> for the foremothers never included abortion. For Foster, real <choice> affirms both women and children.

By using an argument from the past to establish the genetic pedigree of FFL’s opposition to abortion rights, Foster not only validates feminist opposition to abortion, she requests recommitment to the values of the first wave feminists. According to Gronbeck, this strategy is powerful because it shapes both particular decisions and value systems that guide all decision making.271 Foster’s speech counts on both outcomes as it advocates both particular actions in support of pregnant women, and for a broader shift in focus toward a women-centered pro-life position.

If opposition to abortion is consistent with feminism, Foster must explain why contemporary feminism generally supports abortion rights. Foster does this with another genetic argument from the past. She claims that Betty Friedan was misled by Larry Ladder and Bernard Nathanson into including abortion rights in the mission of the National Organization for Women.272 According to Foster, they accomplished this deception by arguing that women needed access to abortions in order to keep their jobs. Additionally, they used fabricated numbers of women dying from illegal abortions to make their case.273 This appeal stands in contrast to the efforts of Feminists for Life that

270 Ibid, para. 4-5.
272 Ibid, para. 8-12.
273 Ibid, para. 10-11.
Foster outlines later in the speech. Rather than supporting women’s rights in the workplace, these men supported an employer’s reluctance to pay for maternity benefits and possible decreases in productivity when a woman took time off for a sick child. As characterized by Foster, the “choice” advocated by Ladder and Nathanson was not in the best interest of women, and therefore was not a real <choice>.

Foster’s interpretation of history presents a genetic argument from the past that points to both the origin of opposition to and support of abortion rights. She suggests that opposition to abortion is an essential tenant of feminism by pointing to its origin in the first wave of feminism. Additionally, by tracing support for abortion rights back to men, she characterizes abortion rights advocacy as essentially anti-feminist. Rather than buying into the man’s version of <choice>, Foster wants her audience to look back to the feminism of the feminist foremothers. One of the primary functions of the genetic argument is to essentialize some part of civic life by pointing to its origin and requesting recommitment to that fundamental value. According to Foster’s interpretation of history, the foremothers opposed abortion rights because they believed that abortion was not in the best interest of women or children. Foster’s presentation of their views supports her redefinition of <choice> both because it establishes opposition to abortion as a pro-woman idea, and because it establishes opposition to abortion as removing coercion and empowering women to make the <choice> they want to make.

**The Support: Analogic Arguments from the Past**

Foster does not rely merely on the feminist foremothers’ opposition to abortion or the rationale behind their efforts to enact laws prohibiting abortion as sufficient reasons
to understand the concept of <choice> differently. Foster also utilizes an analogical argument from the past when she focuses on the context of the early feminists’ opposition to abortion. According to Gronbeck, analogical arguments draw attention to similar or dissimilar relationships between persons, places, things, or events, and uses past events to solve problems or block proposals. Analogical arguments guide decision-making in particular circumstances. The assumption of the argument is that if the context is the same, and the decision is the same, the outcome will be the same.274 This section highlights the link Foster establishes between the context of the foremothers’ opposition to abortion and the situation that women face today. That link serves as an analogical argument from the past that supports Foster’s redefinition of <choice>.

According to Foster, while the feminist foremothers recognized the suffering of women, they unanimously opposed using abortion as a solution to that suffering.275 Foster first points to the fact that Wollstonecraft condemned the sexual exploitation of women in the same work as she expressed her opposition to abortion.276 In fact, according to Foster, Wollstonecraft first “[decried] the exploitation of women”277 and then “condemned those who would ‘either destroy the embryo in the women, or cast it off when born.’”278 The order in which Wollstonecraft expressed her opposition to these two subjects suggests she was fully aware of the suffering of women before she condemned abortion and infanticide. She did not consider abortion to be a valid remedy for exploitation of women.

274 Ibid, 56-57.
275 Ibid, para. 2.
276 Ibid, para. 1.
277 Ibid, para. 1
278 Ibid, para. 1
Additionally, Foster claims that the early American feminists opposed abortion rights despite their awareness of several motherhood-related problems women faced at the time. According to Foster, the foremothers were aware of “the damage done to women through constant childbearing.”279 They were also aware that “half of all children born died before the age of five,”280 and they knew that “women had virtually no rights within the family or the political sphere.”281 While the foremothers were concerned about these problems, their solution was to advocate for voluntary motherhood and increased economic and political freedom for women. According to Foster, the early feminists did not believe that abortion could solve the unique problems faced by women.282

Foster goes on to say that the foremothers understood that women “resorted” to abortion because of the lack of support.283 They were “abandoned or pressured by boyfriends, husbands and parents and lacked financial resources to have a baby on their own.”284 The choice of the word “resorted” is important here. It suggests that abortion was not a real choice, but rather a default reality that a woman would concede to when no other option was available. This historical context serves to establish the first half of Foster’s analogical argument from the past. According to Foster, in the context of a lack of support for women, the foremothers believed that abortion rights are not part of

<choice>.

279 Ibid, para. 2
280 Ibid, para. 2.
281 Ibid, para. 2.
282 Ibid, para. 2.
283 Ibid, para. 4.
284 Ibid, para. 4.
It is at this point in the speech that Foster begins to build a bridge to the present day to complete her analogical argument from the past. She says that women in the past “resorted” to abortion because they were abandoned or pressured to, or because they lacked financial resources, “much like today.” If women today resort to abortion for the same reasons that women resorted to abortion during the foremothers’ active opposition to abortion rights, as described by Foster, then the foremothers’ opinions are both historically helpful and currently valid. The analogical argument allows Foster to claim that opposition to abortion is not only an integral part of feminist history, but also that good feminists oppose abortion then and now.

Later in the speech, Foster provides additional support concerning the difficulties women face now. According to Foster, the Guttmacher Institute, found that “women have abortions for two primary reasons: lack of financial support and lack of emotional support.” This supporting material serves two purposes. First, it defends Foster’s claim that women “resort” to abortion. Lack of financial and emotional support can drive people to desperation. Second, these are precisely the concerns Foster attributes to the foremothers in their day. She uses this analogical argument to say that women were and are coerced into choosing abortion when they are desperate. Rather than offering a poor option, <choice> requires that feminists today do what feminists in the past did: empower women.

Foster’s analogical argument draw attention to similarities between the difficulties women faced in the 19th century and the difficulties they face today. Analogical

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285 Ibid, para. 4.
286 Ibid, para. 13.
arguments function to guide decision-making and provide solutions to current problems. For Foster, the similarity between the circumstances surrounding the foremothers’ opposition to abortion and circumstances today justifies using the solutions proposed by the early feminists: empowerment of women and opposition to abortion. The context is the same; therefore, the solution should be the same.

**Conclusion**

In “The Feminist Case Against Abortion,” Foster takes issue with the pro-choice movement’s definition of <choice>. While her descriptions of the efforts of FFL provide a new, operationalized understanding of <choice>, she supports her definition with genetic and analogical arguments from the past that are based on an interpretation of history that is inaccurate, as will be established later. Her focus on <choice>, though, makes her speech a unique voice in the larger abortion debate and avoids the stalemate caused by opposing sides that function under totally different value systems.

The definition and legitimacy of an ideograph is a common source of contention for opposing groups because ideographs like <choice> translate into value systems that control both belief and behavior. By reframing the controversy in terms of a woman’s ability to do what she wants to do without fear of coercion, Foster creates an understanding of the pro-life position that is not in conflict with the rights of women. As Foster describes it, her opposition to abortion actually better supports women in need.

While Foster’s definition of <choice> precludes abortion rights, it is based upon a value system that is not in conflict with the abortion rights movement. According to

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Condit, the ideograph of <choice> began as a direct expression of women. It came from the narratives of women who felt trapped by their circumstances into horrific illegal abortions. It also expressed women’s desire for the freedom to be free agents whose decisions were not dictated for them by anyone else. Foster’s version of <choice> also responds to the concept of women feeling trapped by their circumstances, and, as presented by Foster, it also defends a woman’s desire to be a free agent. It appears that the only real difference between the two definitions is a fundamental disagreement about how to help women in need, specifically, whether abortion should be an option for women. Foster’s logic indicates the existence of abortion as a legal option is inherently coercive. The novelty of Foster’s approach, then, is that her redefinition of <choice> does not set up an alternative value system. Rather, it bridges the pro-life vs. pro-choice gap by utilizing the values inherent in <choice> to advocate for set of beliefs and behaviors that support <life>.

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288 Condit, Decoding Abortion Rhetoric, 68.
CHAPTER 5
IMPLICATIONS OF THE ANALYSIS

Feminists for Life, represented by Serrin Foster, is not the only organization that
is working to end the deadlock in the abortion debate. In January of 2013, Planned
Parenthood announced that they would no longer use the term “pro-choice.”289 The
organization uploaded a video to YouTube explaining their shift in rhetoric away from
the terminology of <choice>.290 The video begins by establishing the complexity of the
issue:

Most things in life aren’t simple, and that includes abortion. It’s personal. It can
be complicated, and, for many people it’s not a black and white issue. So why do
people try to label it like it is? Pro-choice? Pro-life? The truth is, these labels limit
the conversation and simply don’t reflect how people actually feel about
abortion.291

http://www.buzzfeed.com/annanorth/planned-parenthood-moving-away-from-choice
290 Lily Rothman, “The End of Pro-Choice: Will ‘No Labels’ Really Help the Abortion Debate?” The Atlantic,
labels-really-help-the-abortion-debate/267393/
291 “Moving Beyond Pro-Life vs. Pro-Choice Labels, You’re "Not in Her Shoes," YouTube video, 1:40, posted
As suggested in the video, recent research commissioned by Planned Parenthood indicates that people may be uncomfortable with the labels “pro-life” and “pro-choice.” For example, in a 2012 online poll of voters, twelve percent claimed to be both pro-life and pro-choice. An additional twelve percent stated they would not use either of those terms to describe themselves.\textsuperscript{292} Perhaps their reluctance to choose a side comes from the fact that they agree with parts of both arguments. In a 2012 poll, 35% of voters who identified as pro-life also opposed overturning Roe v. Wade. Additionally, seven percent of voters who identified as pro-choice supported the overturn of Roe v. Wade.\textsuperscript{293} Though the voters in this poll appear less reluctant to choose a side, their opinions do not always line up with the side they chose. The results of both of these polls point to the fact that the abortion issue is more complicated than advocates on either side of the issue make it seem.

One of Planned Parenthood’s stated goals in moving away from the rhetoric of <life> and <choice> is expanding the conversation about abortion. The video ends this way: “So the next time you talk about abortion, don’t let the labels box you in. Have a different conversation, a conversation that doesn’t divide you, but is based upon mutual respect and empathy.”\textsuperscript{294} The conversation Planned Parenthood advocates is one that is not based upon any ideograph at all; rather, it is based upon a somewhat ambiguous call for complexity and situational responses.

\textsuperscript{292} Ibid
\textsuperscript{293} Ibid
In addition to the complexity of people’s opinions about abortion, Planned Parenthood has another reason to avoid the rhetoric of <choice>. According to BuzzFeed, the Executive Vice President of Planned Parenthood, Dawn Laguens said that <choice> may be causing problems for pro-choice advocates. Given the myriad of political and personal options women have now, <choice> may sound “frivolous.”\(^{295}\) NOW seems to agree with this concern. On NOW’s website, they say abortion is not a “mere” matter of <choice>,\(^{296}\) it is a matter of “life and death.”\(^{297}\) Rather than avoiding the rhetoric of <life> and <choice>, NOW’s statement trivializes <choice> in favor of <life>. This move away from <choice> represents a huge shift in the debate.

Arguably, the ideographs of <life> and <choice> are two of the most recognizable features of the abortion debate. According to Condit, the ideographs of <life> and <choice> were established between 1965 and 1972, and they have been central to the conversation ever since.\(^{298}\) However, as noted by Condit, Crowley and Hawhee, and Fahnestock, the abortion debate’s tie to these terms has produced a standstill that benefits neither side.\(^{299}\) As various actors in the debate look for ways around the standstill, FFL’s Serrin Foster provides a unique voice, one that embraces both <choice> and <life> but focuses on <choice>.

In this final chapter, I discuss some of the implications of Foster’s strategy for avoiding the rhetorical stalemate. Specifically, I discuss some possible outcomes of

\(^{295}\) North, “Planned Parenthood Moving Away from “Choice.”
\(^{297}\) Ibid
\(^{298}\) Condit, Decoding Abortion Rhetoric, 59.
\(^{299}\) Ibid, 161; Fahnestock, “Toward a Modern Definition of Stasis,” 71
Foster’s definition of <choice> as well as consequences of Foster’s interpretation of history. I end by offering a few suggestions for continued research.

**Implications of Foster’s <Choice>**

Foster makes a specific decision to focus on <choice> rather than <life>. Part of her rationale may have been to bridge the divide in the abortion debate. However, her focus on <choice> also suggests that she views <choice> as a powerful persuasive term. Certainly, it functioned well for the pro-choice movement, especially in the time period immediately surrounding the landmark *Roe v. Wade* decision. However, as highlighted above, both Planned Parenthood and NOW have recently embarked on rhetorical campaigns that eschew <choice> in favor of <life> for NOW and in favor of complexity for Planned Parenthood. These two organizations determined that <choice> trivializes their advocacy, so they are in search of better ways to communicate the weight of their message. Additionally, it is evident in other rhetorical contexts, that <choice> can be a liability. For example, some people argue that sexual orientation is a <choice>, and can therefore be un-chosen. For the LGBT community, <choice> trivializes sexual orientation by detaching it from personhood, making it an optional accessory. Perhaps the next few years will be important in determining the fate of <choice> as an ideograph with the power to influence decisions on a wide array of social issues.

Additionally, Foster’s use of <choice> relies on the assumption that women want to make a particular <choice>. It is likely that her message resonates with women who want to be mothers while they find a way to balance work and family or finish school. However, assuming that all women want this lifestyle is a very big assumption. Even
with flexible schedules, “family” housing, and maternity leave, a woman who chooses to keep her baby will have to make many sacrifices. If she is in the business world, she may be less available for travel, for overtime, or for happy-hour networking. She may sacrifice promotions and pay raises. If she is in education, she may be forced to take a semester off, or she may have less time to dedicate to her studies. Her grades may suffer. She may miss out on once-in-a-lifetime opportunities like studying abroad or having lunch with someone important. She may be limited as to where she can go for grad school. In any case, she will make sacrifices, and she will feel the constant pull of her two worlds.  

Not every woman wants this life, and Foster’s message, though empowering and addressed to all women, is far less likely to resonate with women who want something else.

Implications of Foster’s Interpretation of History

Foster’s redefinition of <choice> relies on a specific interpretation of early feminism that is suspect. The early feminists were not key players in the abortion debate in the nineteen century as suggested by Foster. Generally, they were less concerned about the morality of abortion than they were about the sexual exploitation of women by men and women’s lack of political power. Consequently, they were not politically active in the conversation surrounding abortion.

Foster’s use of the ethos of Wollstonecraft, Anthony, and Stanton is based on an inaccurate interpretation of history. Foster specifically infers that Wollstonecraft had influence on the criminalization of abortion in England, but it actually does not appear

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300 To be clear, both men and women often make sacrifices for parenthood. I discuss only women here because FFL’s message is directed toward supporting women, but men also face life changes as a result of parenthood.
that Wollstonecraft specifically advocated for laws to criminalize abortion prior to quickening, or to codify the existing quickening distinction. Additionally, Susan B. Anthony said very little concerning abortion, and even when she did her comments were ambiguous. It is true that *The Revolution* featured at least some articles that expressed opposition to abortion. For example, Matilda Joslyn Gage called abortion “child murder” and “infanticide” and argued that this crime is the fault of men. Claiming the ethos of Susan B. Anthony, rather than a lesser known figure like Matilda Joslyn Gage, strengthens her argument that opposition to abortion is foundational to the feminist movement in early America. However, claiming Anthony’s ethos on this subject is misleading, as Anthony’s newsletter printed a variety of feminist viewpoints and it is unlikely that Anthony agreed with everyone.

The accuracy of Foster’s claims concerning the advocacy of Stanton are, again, suspect. In the case of Stanton’s quotation concerning the treatment of women as property, Foster’s claim appears to be unsubstantiated. Tracy Thomas challenged FFL to provide the source of this quotation when she was unable to locate the source of this quotation herself. However, they were not able to do so either. Consequently, FFL agreed to remove the quotation from their website and promotional materials. In reality Elizabeth Cady Stanton did not make claims about the morality of abortion or the AMA’s attempts at criminalizing abortion. Rather, she argued for a woman’s right to control

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301 Gordon and Sherr, “Sarah Palin is no Susan B. Anthony.”
302 Mohr, *Abortion in America*, 112.
303 Thomas, “Misappropriating Women’s History,” 6.
her reproduction as a fundamental right\textsuperscript{304} and she even defended a woman who was convicted of infanticide.\textsuperscript{305}

Additionally, Foster claims that the early feminists generally worked to enact abortion laws. While some early feminists may have worked alongside the AMA to enact the first abortion laws, most were not generally active in this fight. According to Tracy Thomas, the early feminists were opposed to the AMA’s anti-abortion campaign because it was anti-woman. Nineteenth century feminists responded to this campaign, which Thomas calls fundamentally anti-feminist,\textsuperscript{306} by placing the blame for abortion at the feet of men. The issue for the early feminists, then, was not whether abortion was morally wrong or whether laws should be passed to regulate abortion.\textsuperscript{307} The early feminists were concerned about the broader problem of women’s control over their own bodies. Consequently, the details of Foster’s claim appear to be inaccurate, and the actual situation appears a lot more nuanced than she presents it.

For sympathetic audiences, Foster’s interpretation re-writes history. If Foster is successful in re-writing history, there are implications for more than just the abortion debate. For example, Foster said that one of her reasons for including information about the feminist foremothers in this speech was to educate college students about a feminist history with which they were unfamiliar.\textsuperscript{308} Foster’s use of argument from the past, however, indicates that Foster is interested in more than historical knowledge. She uses the ethos of the foremothers in attempts to persuade her audience to reject current

\textsuperscript{304} Quoted in, Ibid, 32.
\textsuperscript{305} Ibid, 42-44.
\textsuperscript{306} Ibid., 23.
\textsuperscript{307} Tribe, “Abortion in Early American Society,” 22-23.
\textsuperscript{308} Ibid, 3
versions of feminism that support abortion rights and buy into this brand of feminism which opposes abortion.

Foster’s brand of feminism includes assumptions about women that go beyond the abortion debate. For example, Elizabeth Cady Stanton and other 19\textsuperscript{th} century feminists believed that women are morally superior to men.\textsuperscript{309} Foster reflects this believe in her speech when she characterizes abortion as immoral (using the ethos of the feminist foremothers), and she indicates that it is a choice women do not want to make. However, her story about Lader and Nathanson suggests that, ultimately, it is men who coerce women to do this evil thing that women do not want to do. Nineteenth century feminism supports this interpretation of male/female differences and Foster’s speech requests recommitment to that way of thinking which, in the past, has been used to justify practices like barring women from voting.

Additionally, the use of a particular version of history can serve as a point of stasis if both sides agree on it; however, Foster’s misappropriation of history may undercut her attempts to achieve stasis. If she is successful in re-writing history, she could also be successful in creating unity in the abortion debate around this new version of history. However, the inaccuracies also may create more division that focuses on interpretations of history rather than on abortion. There is some evidence that this is happening. For example, there is a Wikipedia page dedicated to the “Susan B. Anthony abortion dispute.” If the inaccuracies in Foster’s argument result in heated, but displaced, controversy, they may completely undermine her argument.

\textsuperscript{309} Ibid., 23
Additionally, the inaccuracies in Foster’s interpretation of history may point to a second argument that is beyond the scope of this project. If Foster’s argument was only that the feminist foremothers supported the empowerment of women over coercion, she did not need to reference any efforts by the foremothers to criminalize abortion. Empowerment is a much easier claim to defend historically. Elizabeth Cady Stanton and many other women’s rights advocates at the time argued very clearly for “voluntary motherhood,” which included a woman’s freedom to abstain from sex in order to avoid pregnancy. Not only did they support sexual freedom, they also supported political, social, and economic freedom for women as an answer to the difficulties women faced. This focus on aiding and empowering women is historically accurate and functions well as an argument in support of Foster’s definition of <choice>.

The feminist foremothers’ opposition to coercion also is historically accurate and supports Foster’s definition of <choice>. When the foremothers talked about abortion or infanticide, they fought against the AMA, who blamed women for the existence of abortion. Instead, the foremothers placed the blame for these actions at the foot of men. For example, Mary Wollstonecraft blamed abortion on men’s sexual exploitation of women.  

An article that appeared in Susan B. Anthony’s newsletter, The Revolution, that strongly opposed abortion suggested that men were “thrice guiltily” for creating the desperation that compelled the women to “the crime.” Additionally, Matilda Joslyn Gage wrote in the Revolution that “This crime of ‘child murder,’ ‘abortion,’ ‘infanticide,’

\[\text{310} \text{ Cat Clark, “Mary Wollstonecraft.”} \]
\[\text{311} \text{ Pro-life Quakers, “Pro-life Feminism: Yesterday and today.”} \]

Though this article strongly opposes abortion on moral grounds, it does not advocate for legislation outlawing abortion. The article specifically says that legislation will not help because the real problem is that husbands do not respect their wives’ wishes concerning sex and maternity.
lies at the door of the male sex.” The idea that the guilt for abortion lies with men rather than women fits well with Foster’s narrative. In fact, in “The Feminist Case Against Abortion” she argues that feminists in the second wave of feminism were deceived by men into supporting abortion rights.

However, Foster’s speech also includes inaccurate references to the foremothers’ efforts to criminalize abortion including linking Wollstonecraft’s opposition to abortion to successful efforts to make abortion illegal in Great Britain. Additionally, twice she specifically says that the American foremothers had a hand in making abortion illegal in the United States in the 19th century. First she says, “Anti-abortion laws enacted in the latter half of the 19th century were a result of advocacy efforts by feminists” while later she refers to “anti-abortion laws that early feminists worked so hard to enact.” In fact, the foremothers were not strong advocates for the criminalization of abortion. Very few were involved in the politics of the issue. They were focused on other political issues, yet Foster specifically connects their ethos to criminalization.

It appears likely that Foster included these references to support a different point. Her redefinition of <choice> as empowerment does not appear to necessarily include criminalization of abortion. Based upon the text of her speech, <choice> is about supporting women to make a <choice> that affirms life. She never makes a case that the legality of abortion has anything to do with that <choice>. Therefore, it seems like she could easily avoid including inaccurate claims about the foremothers’ support of criminalization unless they were necessary for a different point. However, this second argument does not appear to be fleshed out in “The Feminist Case Against Abortion.”

312 Cited in Mohr, Abortion in America, 112
Therefore, in order to gain a better understanding of this second argument, one would need to examine other materials published by FFL to round out a discussion of their views on criminalization and how those views fit with Foster’s redefinition of <choice>.

**Suggestions for Further Research**

Foster’s argument has greater implications than those related to bridging the divide in the abortion debate. Her interpretation of history represents a specific view of feminism that argues for the moral superiority of women. It may prove beneficial to look deeper into the implications of this brand of feminism both for the abortion debate and for the current women’s movement in general.

Foster describes men as both a corrupting influence on feminism and as a part of the solution to the problem. She advocates empowering both men and women to make “life-affirming choices.” Her dual focus reflects feminism’s sometimes contradictory thoughts on the role of men in women’s issues. A deeper study on the role of men in the abortion debate, including the involvement of Lader and Nathanson, may provide additional insights into both the abortion debate and into the complex relationship between men and feminism.

Lastly, given the apparent trend away from the historical uses of the ideographs of <life> and <choice>, further research into new uses of those ideographs would help to continue to dig into the complexity of the abortion debate. Additionally, research into Planned Parenthood’s unique strategy of avoiding either ideograph could prove to be very interesting.

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313 Appendix, para. 15.
Final Thoughts

This appears to be a unique moment in the history of the abortion debate. Even as other key players reexamine the ideographs that have constrained the debate since Roe v. Wade, Foster and FFL represent a unique voice in the abortion debate. “A Feminist Case Against Abortion,” serves as a representative sample of their broader message. In it, Foster zeros in on <choice>, redefining it in a way that precludes abortion, but that simultaneously empowers women. To do so, she uses a particular interpretation of feminist history that is inaccurate but that may have lasting implications both for the abortion debate and for feminism. Her speech may bridge the gap, or it may increase the divide. In either case, its novel, empowering message provides a fruitful text in the continued quest for understanding what makes messages persuasive.
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APPENDIX

1. The feminist movement was born more than two hundred years ago when Mary Wollstonecraft wrote "A Vindication of the Rights of Women." After decrying the sexual exploitation of women, she condemned those who would "either destroy the embryo in the womb, or cast it off when born." Shortly thereafter, abortion became illegal in Great Britain.

2. The now revered feminists of the 19th century were also strongly opposed to abortion because of their belief in the worth of all humans. Like many women in developing countries today, they opposed abortion even though they were acutely aware of the damage done to women through constant child-bearing. They opposed abortion despite knowing that half of all children born died before the age of five. They knew that women had virtually no rights within the family or the political sphere. But they did not believe abortion was the answer.

3. Without known exception, the early American feminists condemned abortion in the strongest possible terms. In Susan B. Anthony's newsletter, The Revolution, abortion was described as "child murder," "infanticide" and "foeticide." Elizabeth Cady Stanton, who in 1848 organized the first women's rights convention in Seneca Falls, New York, classified abortion as a form of infanticide and said, "When you consider that women have been treated as property, it is degrading to women that we should treat our children as property to be disposed of as we see fit."

4. Anti-abortion laws enacted in the latter half of the 19th century were a result of advocacy efforts by feminists who worked in an uneasy alliance with the male-dominated medical profession and the mainstream media. The early feminists understood that, much like today, women resorted to abortion because they were abandoned or pressured by
boyfriends, husbands and parents and lacked financial resources to have a baby on their
own.

5. Ironically, the anti-abortion laws that early feminists worked so hard to enact to
protect women and children were the very ones destroyed by the Roe v. Wade decision
100 years later - a decision hailed by the National Organization for Women (NOW) as
the "emancipation of women."

6. The goals of the more recent NOW-led women's movement with respect to abortion
would have outraged the early feminists. What Elizabeth Cady Stanton called a
"disgusting and degrading crime" has been heralded by Eleanor Smeal, former president
of NOW and current president of the Fund for a Feminist Majority, as a "most
fundamental right."

7. Betty Friedan, credited with reawakening feminism in the 1960's with her landmark
book, The Feminine Mystique, did not even mention abortion in the early edition. It was
not until 1966 that NOW included abortion in its list of goals. Even then abortion was a
low priority.

8. It was a man - abortion rights activist Larry Lader, who remains active today - who
credits himself with guiding a reluctant Friedan to make abortion an issue for NOW.
Lader had been working to repeal the abortion laws based on population growth
concerns, but state legislators were horrified by his ideas. (Immigration and improved
longevity were fueling America's population growth - not reproduction, which in fact had
declined dramatically.)

9. Lader teamed up with a gynecologist, Bernard Nathanson, to co-found the National
Alliance to Repeal Abortion Laws, the forerunner of today's National Abortion and
Reproductive Rights Action League (NARAL).

10. Lader suggested to the NOW leadership that all feminist demands (equal education,
jobs, pay, etc.) hinged on a woman's ability to control her own body and procreation.
After all, employers did not want to pay for maternity benefits or lose productivity when
a mother took time off to care for a newborn or sick child. Lader convinced the NOW
leadership that legalized abortion was the key to the workplace.
11. Dr. Nathanson, who later became a pro-life activist, states in his book, Aborting America, that the two were able to convince Friedan that abortion was a civil rights issue. Later he admitted that they simply made up the numbers of women dying from illegal abortions, which had been a major point in their argument.

12. Lader's and Nathanson's strategy was highly effective. NOW has made the preservation of legal abortion its number one priority. Its literature repeatedly states that access to abortion is "the most fundamental right of women, without which all other rights are meaningless."

13. With this drastic change, a highly visible faction of the women's movement abandoned the vision of the early feminists: a world where women would be accepted and respected as women. There are now 1.3 million surgical abortions per year in the United States. The Alan Guttmacher Institute (the research arm of Planned Parenthood) reports that women have abortions for two primary reasons: lack of financial resources and lack of emotional support.

14. Feminists for Life of America recognizes that abortion is a symptom of, not a solution to, the continuing struggles women face in the workplace, at home and in society. Our emphasis is on addressing root causes and promoting solutions - from prevention to practical resources.

15. The first step is to empower young women and men to make life-affirming choices. No compassionate person, pro-choice or pro-life, wants to see a teenage girl drop out of school and face a lifetime of poverty because she became pregnant. Nor do we want her to suffer the pain and anguish of abortion. Public and private funding for comprehensive programs that emphasize teen pregnancy prevention must be increased dramatically. We need honest and unbiased evaluation and replication of effective programs that include proven strategies such as life-planning skills training and mentoring. Boys, as well as girls, should be included in the remedy.

16. Groups like Feminists for Life and pregnancy resource centers regularly get calls from women who are pressured by partners who say they will pay $300 for an abortion
but won't pay a dime in child support. Men and boys need to know that, thanks to legislation supported by Feminists for Life and other women's organizations that strengthens child support enforcement and paternity establishment, they can no longer coerce women into having an abortion by threatening to abandon their children if they are born. But fathers need to do more than make payments. Their presence is needed in their child's life. For women whose partners are absent and who are unable to provide for their children, assistance must come from both private and public sources to protect children by providing the basis, including affordable, quality child care, and education and employment opportunities for the mother.

17. If we are serious as a nation about significantly reducing the number of abortions, then established, credible pregnancy resource centers should be eligible for federal funding. Nearly 4,000 pregnancy care centers and maternity homes guide women in crisis through the maze of available support services - food, clothing, housing, furniture, medical care including high risk pregnancies, legal assistance, help with employment and education, drug abuse and domestic violence counseling, childbirth, breast-feeding and parenting classes - all at no charge. Some specialize in bilingual/bicultural services, adoption and/or post-abortion counseling. These centers are where many pro-lifers "walk their talk" to help women in need. They leverage financial and in-kind resources from individuals, businesses, churches and communities across the country, yet they cannot consistently meet the demand for services.

18. Although these centers are clearly listed in the yellow pages as "abortion alternatives," some abortion advocates have resorted to calling them "fake clinics" to discredit their efforts to give women choices other than abortion. Coercive techniques, lies, and other unethical practices should not be tolerated in abortion clinics or in pregnancy resource centers. While the vast majority of pregnancy resource centers such as those affiliated with Catholic Charities and Birthright, and the vast majority of not-for-profit abortion providers do not engage in these unethical practices - some for-profit abortion clinics and unaffiliated pregnancy care centers may stray from the ethical path. NARAL is currently working to expose those anti-abortion centers that resort to lies and lurid pictures; NARAL should also expose those abortion clinics that try to convince women they have no choices other than abortion.

19. One model program is First Resort of California. Founder Shari Plunkett approached HMO Kaiser Permanente with a plan to reduce the number of abortions in the Bay area. After thoroughly reviewing the program - even editing brochures - Kaiser agreed to refer
clients who were unsure about having an abortion to First Resort. Kaiser's client satisfaction rate was 99.3%. When NARAL's California affiliate (CARAL) succeeded in pressuring Kaiser to terminate the program, women lost the ability to make an informed choice. CARAL ignored an invitation to meet with staff and tour First Resort.

20. Across the country, Americans on both side of the abortion debate agree that women have a right to make informed decisions about their pregnancy. We can empower women to exercise this right by passing "Right to Know" legislation. As with any other medical procedure, women have a right to full disclosure of the nature of the abortion procedure, risks and potential complications and alternative support services, as well as the father's responsibility. A woman has the right to know her doctor's name, whether he/she will be available if a medical emergency emerges, any history of malpractice in any state or revocation of a medical license; she has the right to a fully equipped clinic and/or ambulance nearby in case of complications, and the right to redress if she is hurt by the abortion. Even veterinary clinics are better regulated than abortion clinics, for which there are no uniform inspections or reporting requirements. Doctors who have botched abortions, caused infertility or death and lost their medical licenses have been known to jump state lines to continue providing abortions and even open new clinics. There are no regulations to stop them.

21. Employers and educational institutions can also implement policies that ensure meaningful options for pregnant and parenting women (as well as parenting men). Women in the workplace should not have to choose between their child and their job. That is no choice at all. Employers who have not already done so should consider flex time, job sharing, on-site child care and telecommuting. Women need maternity coverage in health care; men and women need parental leave. Living wages would enable parents to support their children.

22. Similarly, women should not be forced to choose between their education and life plans and their child. As Feminists for Life has expanded its College Outreach Program in recent years, a number of college counselors have told us the only choice they are aware of is between various abortion clinics - as if women are not capable of reading or thinking while they are pregnant or parenting. Feminists for Life is leading forums on college campuses that challenge university officials to provide housing, on-site child care and maternity coverage within student health care plans, and inform women about their hard-won right to child support. We have developed comprehensive Pregnancy Resources Kits with the input of those on both sides of the debate - including abortion
doctors, pro-choice clinic staff, attorneys and students - to give women the "rest of the choices."

23. Even though Feminists for Life has reached out to pro-choice activists to help provide more choices for women, ironically, Planned Parenthood, the nation's largest abortion provider, has called Feminists for Life's solution-oriented program "anti-choice."

24. If providing practical resources that help women can be called "anti-choice," something has gone terribly wrong. It is time to set aside the rhetoric and horror stories and fund-raising tactics and think again about how we can help women in need.