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052179045X - Shaping Abortion Discourse: Democracy and the Public Sphere in Germany and the United States

Myra Marx Ferree, William Anthony Gamson, Jurgen Gerhards and Dieter Rucht

Excerpt

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## Part I

### Introduction

The three chapters in Part I set the stage. Chapter One previews the two interwoven stories of the book. The first story is about the cultural contest in which abortion talk is shaped; the second is about whether the quality of abortion talk serves the needs of a democracy. This chapter also presents a way of thinking and a set of concepts for an analysis of discourse that can be applied to many other issues. In particular, we emphasize the way that groups work to frame issues to their advantage, attempting to mesh strategy with opportunity.

Chapter Two presents the historical context for understanding the contemporary debate on abortion in Germany and the United States. In Germany, unlike the United States, abortion has been a political issue since early in the twentieth century. Also, the highest constitutional courts in each country took different courses in their key abortion decisions in the early 1970s. The U.S. Court emphasized privacy as the central issue while the German Court emphasized the state's responsibility to protect life. These contrasts make the countries exceptionally well suited for our comparative study.

Chapter Three presents the nature of the data that we gathered in carrying out this research. General readers interested in the content of our argument may wish to skim or skip some of the discussion of the methodological issues that we confronted and how we resolved them.

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## CHAPTER ONE

### Two Related Stories

*Es [das sich im Mutterleib entwickelnde Leben] genießt grundsätzlich für die gesamte Dauer der Schwangerschaft Vorrang vor dem Selbstbestimmungsrecht der Schwangeren.* It [the life developing in the mother's body] fundamentally takes priority over the pregnant woman's right to self-determination throughout the entire period of pregnancy.

(German Constitutional Court 1975, BVerG 1, 44)

The right to privacy, whether it be founded in the Fourteenth Amendment's concept of personal liberty and restrictions upon state action or in the Ninth Amendment's reservation of the rights to the people, is broad enough to encompass a woman's decision whether or not to terminate her pregnancy.

(*Roe v. Wade* 1973, 410 U.S. 177)

At the beginning of a new century, Germany and the United States have arrived at uneasy policy compromises on the vexed issue of abortion. The compromises are in some regards surprisingly similar: In Germany, a woman with an unwanted pregnancy can decide to have an abortion in the first trimester, although she is required to have counseling designed to encourage her to have the child. Access to abortion is relatively simple after a short waiting period. In the United States, the choice of abortion also rests with the woman in the first trimester. The 50 individual states may impose various restrictions as long as these do not place an undue burden on the woman's decision to end an unwanted pregnancy.

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In other respects, the situations are sharply different. The similarity of practical outcomes is surprising because the public discussion of abortion and the constellation of actors attempting to shape it provide dramatic contrasts. The intensity of the debate and its ability to mobilize political passions in the United States are not matched in Germany; only the United States has experienced relatively widespread political violence over the abortion issue. As our opening citations suggest, the courts in each country chose a different route in laying out the constitutional framework for the acceptability of moral claims. Public speakers in each country have different historical and cultural traditions on which to draw as well. Some claims made in one country find no counterpart in the other and defy translation into such a different context. The comparison of public discourse on abortion is especially compelling in providing a lens in which the taken-for-granted in each country is rendered visible.

Our story is about the evolution and content of abortion *talk* rather than abortion *policy*. We interweave two closely related stories. The first is about the cultural contest in which abortion discourse is shaped. Here we ask who the major players are; what voice they have in the media; and how their framing strategies, interacting with a nationally specific constellation of opportunities and constraints, account for the differences that we observe in mass media discussions of the issue. It is a story about who says what to produce the outcomes that we observe and why some actors are more successful in promoting their preferred frames.

The second story is about the *quality* of abortion talk. Here we draw on democratic theory about the nature of the public sphere and what various theorists suggest that it should be to serve the needs of democracy. We look at how well the normative criteria suggested by different theoretical traditions – for example, *inclusiveness* or *civility* – are reflected in media discourse on abortion in Germany and the United States. In this we follow Susan Gal's (1994) suggestion that the nature of abortion talk tells a great deal, not only about reproductive rights and women, but also about the nature and concerns of democracy as a whole.

Both stories rely on the same data: a content analysis of a random sample of articles drawn from four elite newspapers, a survey of organizations attempting to influence the discourse, interviews with spokespersons for some of these organizations describing their efforts and their perceptions of success, and, finally, interviews with journalists who most often wrote on abortion in the newspapers sampled. In

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the first story we describe and explain media discourse as the outcome of a contest over meaning; in the second story we use this outcome as a way of evaluating the quality of debate in the public sphere as it is reflected on this issue.

Both of these stories are built on a comparative framework. We are comparing two countries that are very similar in some important respects. They are both highly industrialized, democratic states with cultural roots in the enlightenment. They are members of the same family of what Max Weber called “occidental societies.”

On the other hand, they are so different. The United States is a decentralized, presidential democracy with a weak welfare state and a strong civil society. Germany is a modestly centralized parliamentary democracy with a strong welfare state and a weak civil society. Church and state are institutionally and normatively separated in the United States and somewhat intertwined in Germany. But culturally, religion and politics are more intertwined in the United States compared to a more secular Germany. German journalists provide access primarily to state and party actors and their institutional allies, while U.S. journalists are much more open to grassroots actors and ordinary individuals and place a higher value on personalization and narrative in constructing the news.

Feminism is more differentiated from the broader women’s movement in Germany, and feminist groups are much more decentralized. The German women’s movement is reflected in a variety of party-based organizations as well as by women’s civic organizations. In the United States, national feminist groups take up a wide range of issues and have the potential for both cooperation and competition with other national interest groups, but they have no strong organizational base in the political parties as such.

This combination – Germany and the United States are so alike and yet so different – is particularly useful for teasing out the invisible assumptions that participants inside each single system take for granted. By adopting a comparative perspective, we use each country as a lens through which we can make visible the assumptions of the other. The comparative perspective also provides a valuable standard against which we can measure the discourse in each country – not, for example, as “inclusive” or “civil” in absolute terms, but as relatively inclusive or civil compared to the other country.

In addition to these generic advantages of comparative analysis, the abortion issue has several specific virtues. First, it has been a topic of

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public controversy in both countries for approximately the same time period, with major events that are roughly parallel in their timing. In both countries, the abortion issue rose in salience and significance in the early 1970s, elicited an important decision from the highest court of the land, and then was re-visited by the court about 16 years later. In both countries, the courts reaffirmed their original principles but modified their practical application when they took it up again. Many other issues are on the public agenda of one country and not the other, but abortion has been a matter of controversy in both countries over approximately the same time period.

Second, abortion is an issue that engages women deeply in both countries and thus potentially offers a window into women's role in the political process that few other issues would so clearly reveal. The historical development of democracies left women on the sidelines for generations, and the extent and nature of women's citizenship in modern democratic states remains an important question. How women are spoken about, as well as how women as actors speak on this issue, provide clues to women's position in the public sphere more generally.

Third, the abortion issue, having been hotly contested in both countries over a 25-year time period, has given many different political actors the opportunity to settle – and sometimes change – their positions. As a contemporary issue, abortion reform emerged in the United States during the 1960s, while public discussion of abortion reform re-entered the public agenda in Germany during the early 1970s, after a relative period of quiet since the early 1930s. In the United States the visibility of the abortion issue in politics has risen fairly steadily since the mid-1960s, while in Germany intense discussion has come in two waves, in the first half of the 1970s and again in the early 1990s. Hence, the specific content and the overall quality of the discourse are observable over a period long enough to see what change, if any, has occurred.

Fourth, abortion invokes existential issues of life and death and taps into the deepest level of cultural beliefs: about the role of women, the role of the state as a moral agent, the sanctity of human life, the right to privacy, the nature of democracy, and society's obligations to those in need. Many have suggested that value conflicts pose special challenges to democratic processes of conflict resolution (Aubert 1972). Just which values are in conflict and whether and how they are reconciled becomes an empirical question when we take a comparative perspective on the issue. We can look at what values are most central in the discourse in each country and at how this changes over time. One need only look

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back at the opening quotations to see how differently the highest court in each country framed the question of what values are at stake. Comparing media discourse on abortion is an opportunity to see how fundamental values can be handled in different ways in the public talk of different democracies.

Fifth, abortion also offers an opportunity to compare the role of social movements, political parties, and other actors in relation to each other. Many studies of political issues focus exclusively on the policy-making process or on the mobilization of protest outside of conventional institutions. The long time span of our data and comparative nature of our approach allow us to see how various social actors – government agencies, political parties, and advocacy organizations – enter and influence the public sphere in competition with each other. This interactive process between institutional politics and protestors is often viewed from only one side or the other in separated fields of study, whether conventional political science or social movements research. Looking at the public arena in which parties and movements contend allows us to see the common factors that impact both, as well as the ongoing process by which their influence relative to each other is achieved.

Finally, studying the shaping of media content is a way of assessing cultural impact: how the constellation of opportunities and constraints shape the strategies and use of symbols by those who seek to influence public discourse and how successful they are. Cultural change in civil society is often separated from institutional political change as if only one of these at a time could be the target of actors' deliberate strategy or social concern. Looking at culture as political and contested, as it so obviously is in regard to abortion, reconnects these dimensions. Similarly, it enables us to evaluate the content of public discourse where the challenge is greatest – on an issue fraught with moral dilemmas and conflicts.

In the following section we provide a framework that helps us to analyze the cultural contest in which abortion discourse is shaped, our first story; we then offer a framework for the analysis of the quality of abortion talk and the nature of democracy, our second story.

## SHAPING PUBLIC DISCOURSE

We need to set the stage for our two stories, but a preview of the content is in order. Our first story will show how different types of actors play

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leading roles. In Germany, political parties and state actors dominate the stage; in the United States, the political parties are mostly backstage, and advocacy organizations are major players.

Groups with the same policy position often talk and think about the issue in quite different ways. To convey the flavor of the differences that we will be discussing in detail in the followings pages, consider the contrasts in these quotations, all drawn from advocates of a woman's right to choose:

All efforts to protect unborn life in the body of the mother must be directed to doing so with the cooperation of the woman and not in opposition to her. In no way, including through the law, can the protection of unborn life be coerced. (German Lutheran Bishop Martin Kruse, 1990)

Mein Bauch gehört mir! (My belly belongs to me!) (Slogan used by German feminist groups in the 1970s)

No one can remove the decision about the continuation or termination of a pregnancy from the unwillingly pregnant woman. The church distances itself from its murderous and inhumane history and forgets the persecutions of the witches, the deaths of women from illegal abortions and the countless unwanted pregnancies that resulted from the church's prohibition of contraception. (Verena Krieger, the Green Party, quoted in FAZ, 12/29/89)

The final decision about the termination of pregnancy should remain with the woman, but . . . the constitution [should] be expanded with a clause that expressly encompasses the protection of unborn life . . . this [law protecting life] would secure the claim that women would have on counselling and financial assistance (Rita Süßmuth, leading feminist member of the CDU, quoted in FAZ, 7/24/90).

Jesus himself was feminist and believed that women were moral decision-makers . . . The Church itself, in becoming a patriarchal model, got away from that. We as women are calling the Church back to a belief that women are, in fact, moral decision-makers about our own lives and the lives of our families. (Jane Hull Harvey, *Methodist Church, General Board of Church and Society*, interview, Sept., 1997)

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Instead of debating whether or not abortion is legal, we should be discussing what the concrete reality is if abortion is illegal. *Who* is it who suffers? . . . There are race and class issues related to that, as opposed to moral issues which don't have any bearing on what's concretely going to happen – if abortion is [not] safe, legal, and accessible. Because rich women will always have the right to go somewhere and find some means. . . . That should be where the debate should be, not on the morality. (Jana, *Refuse and Resist*, quoted from interview.)

Roe v. Wade found that abortion is so personal, so consequential that the public has no right to decide for the burdened woman. That principle deserves to rest undisturbed. (*New York Times* editorial, 1/21/89)

Take your rosaries off our ovaries! (Slogan used by American feminist protestors quoted in *The New York Times* 6/14/92)

In these quotes, speakers in each country frame the roles of women, church, and state in terms that are in part familiar and in part scarcely understandable to listeners in the other. But even within a single country the speakers differ significantly in the meaning they give to abortion regulations in spite of their common support for less restrictive abortion policies. Anti-abortion speakers are no less various in their repertoires of talk. Public discourse thus provides a window in the way that issue meanings are both shared and disputed within a political culture.

## THEORETICAL FRAMEWORK

We believe that the general framework and set of tools for analysis that we offer here can be applied to other politically contentious issues, such as welfare reform or worker rights. *Public discourse* is public communication about topics and actors related to either some particular policy domain or to the broader interests and values that are engaged. It includes not only information and argumentation but images, metaphors, and other condensing symbols.

Public discourse is carried out in various *forums*. A forum includes an *arena* in which individual or collective actors engage in public speech acts; an active audience or *gallery* observing what is going on in the arena; and a *backstage*, where the would-be players in the arena work out their ideas and strategize over how they are to be presented, make



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alliances, and do the everyday work of cultural production. Figure 1.1 presents this visually, using a stadium metaphor.

There are different forums in which public discourse takes place: mass media, parliaments, courts, party conventions, town hall assemblies, scientific congresses, streets, and the like. We define the *public sphere* as the set of all forums. In the current era, there is one forum that overshadows all others, making them sideshows. For various reasons, general-audience *mass media* provide a master forum. The players in every other forum also use the mass media, either as players or as part of the gallery. The mass media gallery includes virtually everyone. All collective actors must assume that their own constituents are part of the mass media gallery and the messages that their supporters hear cannot be ignored, no matter how extensive the actors' own alternative media may be.

Second, the mass media forum is *the* major site of political contest because all of the players in the policy process *assume* its pervasive influence (whether justified or not). The mass media present – often in a highly selective and simplified way – discourse from other forums. The participants in these other forums look to the mass media forum to assess their effectiveness, measuring success by whether a speech in the legislative forum, for example, is featured prominently in *The New York Times* or the *FAZ* and whether it is commented on in a positive or negative way.

Finally, the mass media forum is not simply a site where one can read relative success in cultural contests. It is not merely an indicator of broader cultural changes in the civil society but also influences them, spreading changes in language use and political consciousness to the workplace and other settings in which people go about the public part of their daily lives. When a cultural code is being challenged, a change in the media forum both signals and spreads the change. To have one's preferred framing of an issue increase significantly in the mass media forum is both an important outcome in itself and carries a strong promise of a ripple effect.

The three parts of the mass media forum – arena, gallery, and backstage – require some elaboration.

**THE ARENA** The arena is a place where participants engage in speech acts of various sorts. The speech acts are intended to convey a message about either the policy issue under discussion or the organization that they are speaking for. Commentary on the issue is an attempt to convey a preferred way of framing it and to increase the relative prominence of the preferred frames in the mass media arena.

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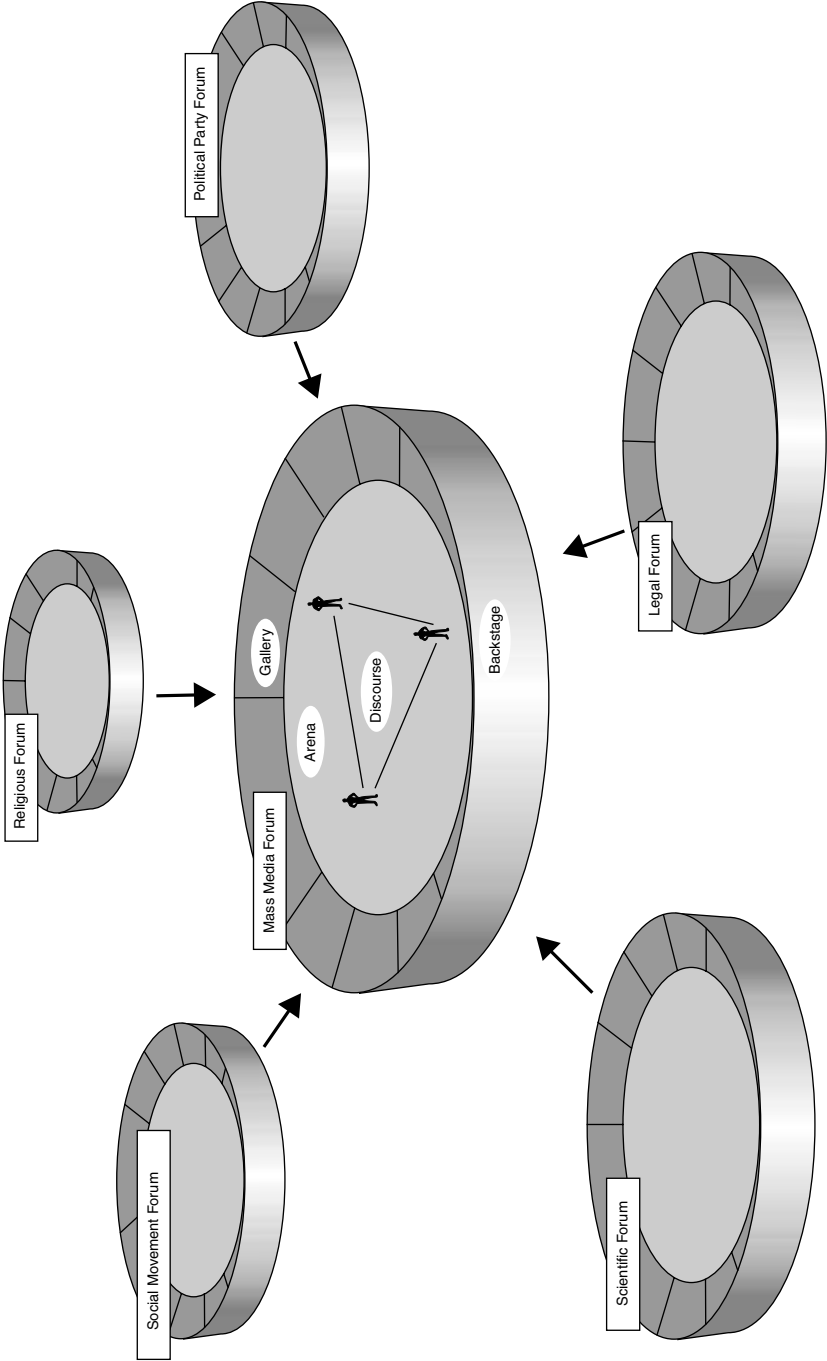


Figure 1.1. Theoretical model of forum.