According to Garry Trudeau, “The systemic dismantling of reproductive rights, much like the takedown of collective bargaining, has been taking place in full view.” Throughout history, reproductive rights have easily been some of the most controversial and polarizing topics amongst citizens and lawmakers alike. These powerful, intense feelings have led to a number of public policies, laws, court cases, and funding disputes, as well as an enormous body of research. Scholars, public figures, lawmakers, and laypeople alike have all weighed in on the issues at hand, but have yet to land on a solution in which everyone is content. This intense debate over the funding, morality, and even legality of women’s basic reproductive rights have captured my interest for this piece. Early on in the research, it became obvious that it is impossible to thoroughly cover the matter in one paper; therefore, for the purposes of this literature review, I have narrowed the scope of the research to focus on a few important factors: the effects of language on legislation and activism, the politics and legislation surrounding these issues, and the activism that has occurred as a result of the debate. This literature review serves the purpose of analyzing those factors in order to gain a better understanding and effectively speculate upon the potential motivating influences that prompt the strong
emotions that fuel the legislation and activism described in this piece.

In order to understand the impact of language on the legislation and activism surrounding this issue, first it is important to understand the politics as a whole. Rickie Solinger, author of “Layering the Lenses toward Understanding Reproductive Politics in the United States,” did a literature review of the important scholars on the subject and their contributions, including such scholars as political scientist Rosalind Petchesky, historian Linda Gordon, and historian Leslie Reagan (among many others). She noted the ways in which Petchesky explained reproduction as both an individual and social event, which was seconded by Gordon who took it a step further to say that reproductive freedom cannot be isolated from other freedoms, which reflects the radical feminisms of the 1970s (102). Solinger noted that Gordon also argued and demonstrated the ways in which “everything about reproductive rights is political…goals of major American institutions – the medical establishment and welfare and educational systems, for example – have been set by conflicts over reproductive politics and policies regarding human rights in the United States and abroad” (103). Finally, Solinger also noted the importance of Reagan’s contributions to the research as well, explaining the ways in which Reagan examined “how the state deployed members of a professional class – physicians – as moral agents and an arm of state power who sometimes worked alongside the police” (105). After reviewing her piece, it is apparent that the ways in which the government and each individual interact is very complex and often times controversial; in other words, the personal
has become very political.

Now knowing the complexity of these politics, one way of better understanding each piece is to dissect and analyze the language used to convey each message. Sujatha Jesudason et. al. wrote “Eggs and Abortion: ‘Women-Protective’ Language Used by Opponents in Legislative Debates over Reproductive Health” to emphasize the importance of language in the legislation and activism surrounding reproductive health. The authors describe the significance of properly framing political discourse, which is the process of “constructing meaning in the political and social domain” (259). In legislation and activism alike, proponents and opponents of abortion seem to utilize, according to the authors, three similar and parallel themes:

“Women must be protected from health care providers and scientists, women are positioned in such a way that harms are being done to them (but women themselves are not positioned as agentive), and the central thesis of both arguments is that women need to be protected by others from both bodily and emotional threats to their well-being” (260).

Understanding the fact that both opponents and proponents of the issues encompassed under ‘reproductive health’ (including lawmakers) use similar language goes to show that there’s a chance that the goals of either group may or may not be similar in some underlying way. This is important to note because the ultimate goal is reaching a solution in which both
sides are content and women are able to access the care they need. This language, in the case of lawmakers, can be used against women in that it can be employed to further the interests of the government as opposed to furthering the interests of women and their health. Dov Fox, author of “The State’s Interest in Potential Life,” describes the different categories of government concern as it relates to potential life. According to Fox, the government’s interest can be described in four ways:

“The prenatal welfare interest in preserving unborn life from destruction, the postnatal welfare interests in protecting individual children from harmful conduct that took place before they were born, social values interests in promoting secular moral ideals such as respect for the unborn, and social effects interests in preventing tangible harms like gender imbalance and population depletion (346).

These categories are useful in determining the type of interest that may be applied to specific instances of legislation in order to understand how it benefits and/or causes negative repercussions for women and their reproductive health.

While on the topic of legislation, it is imperative to gain an understanding of how this language and these interests have resulted in legislation currently in place. Sonia Suter wrote an article titled “The First Amendment and Physician Speech in Reproductive Decision Making” in which she discusses the implications of applying the First Amendment to
informed consent laws. Suter states that “professional speech associated with informed consent…require[s] heightened, if not strict, scrutiny” (22). Throughout her article she emphasizes the importance of the state only regulating these laws to the extent that it promotes, as opposed to hinders, informed decision making. Professional judgment and patient choice should be at the forefront of these laws (though it seems they rarely are) and these laws need to take into account the “highly individualized and collaborative process that informed decision making entails” (31). In many cases, these laws have, when layered with the other legislation pertaining to reproductive decision making, shifted from being about the best interest of each patient to actually further complicating and impeding the progress of informed, educated decision making. Furthering this notion, Erin Bernstein, author of “Disclosure Two Ways,” composed an article about the ways in which pre-abortion disclosure laws may or may not serve as highly-charged partisan devices. According to Bernstein, “…the dialogue surrounding current pre-abortion disclosure mandates has made clear that such laws exist as tools to express political and/or moral disagreement with abortion-related choices” (246). These laws detail several steps that must be taken prior to the procedure taking place, including informing the woman of the gestation of the fetus, the health risks, as well as providing printed materials published by the State that give information about alternatives (246). Bernstein notes that while a mandate doesn’t impose an impediment to abortion access, when layered with “…TRAP laws, waiting periods, limitations on medical abortions, and other enactments...[these
laws] may undermine the purported rationale for a disclosure law and point toward an alternate rationale of making access to abortion care impracticable or impossible” (248). This may or may not be the case, but in some states, including Indiana, it seems as though the government is using legislation as a way to impose the underlying opinions of some lawmakers onto the general public. An example of this claim is described by Christine Ramelb, in her piece titled “Public Health Care Funding: The Battle over Planned Parenthood,” in which she summarizes the current debate and related legislation surrounding the defunding of Planned Parenthood in both Indiana and Kansas, the first states to eliminate public funding for certain health care providers based upon the range of services they provide. Ramelb provides a comprehensive history of both Medicaid and Planned Parenthood, as well as describing the limitations of state power in allocating Medicaid funds (501). She goes on to describe the ways in which Title X funds are spent within each state as well, emphasizing the fact that these funds do not cover abortion-related services, while also highlighting the effects of other legislation, such as that of the Health Service Act and the Hyde Amendment (501). She concludes her law review with a widespread discussion of Indiana’s House Enrolled Act 1210 (the legislation that prevents Medicaid funds from reaching private abortion providers), the public outcry after it’s passing, and the ways in which this will impact the residents (501-505). After reading this comprehensive piece, it is obvious that reproductive rights (especially those linked to abortion) seem to fuel individuals to react in powerful ways.
The reactions of the public to legislation, public policy, and defunding can be, in the most simplistic fashion, grouped into proponent activism and opponent activism. Marlene Gerber Fried, author of “Reproductive Rights Activism in the Post-Roe Era,” wrote about the proponent activism that has surrounded reproductive rights (and in some instances, specifically abortion rights). According to Fried, there are two main strategies being employed by pro-choice activists – reproductive rights politics and the women’s health approach. “By adopting the language of ‘reproductive rights,’ some activists have signaled their broader vision and distinguished themselves from prochoice politics” says Fried (11). These activists focus on feminism and sexuality, while recognizing the need for public education, demonstrations, and activism (11). The second type of activism, the women’s health approach, sprung up in the 1960s in order to address the discrimination and disempowerment women were facing in medical settings. These activists have focused on the lack of affordable care for women, especially those from marginalized groups, as well as educating women about their bodies in regard to reproduction and sexuality (12). Opposite of this activism, those wanting to limit reproductive health choices (especially those pertaining to abortion), have acted out their opinions as well. While these activists are often times peaceful, there have been numerous violent attacks on buildings and physicians in the name of activism. Alex Berkman, author of “Speech as a Weapon: Planned Parenthood v. American Coalition of Life Activists and the Need for a Reasonable Listener Standard,” wrote about some of these extremists.
Berkman focused on the actions of several extremist groups, including the Army of God, the Advocates for Life Ministries, and the American Coalition of Life Activists, citing the deaths of several physicians, the fires set to several clinics, and the acid attacks on nurses and other healthcare providers. Berkman went on to explain some of the tools these organizations use in targeting physicians for violence, including the Nuremberg Files and the use of “Wanted” and “Unwanted” posters (486). In many of the cases of violence cited throughout the article, specifically those concerning Planned Parenthood and the ACLA, a defense was built around the assumed protection of the First Amendment, which ultimately was not the case (486).

After reviewing the numerous accounts of activism on both sides of the issue, it is clear that this topic polarizes citizens around the country into two sides with no middle ground. In order to find out why this is happening, I suggest that further research be conducted on this topic, as currently there is very little/none.

In conclusion, the topic of reproductive rights is a notoriously controversial one, which can be broken down and researched from a variety of disciplines and discourses. Due to the nature of this topic, this literature review was only able to discuss briefly a few of the factors that pervade the discourse: the effects of language on legislation and activism, the politics and legislation surrounding these issues, and the activism that has occurred as a result of the debate. In doing this analysis, it became evident that there is a significant gap in the research – no one has yet researched what motivates these strong feelings (i.e. religion, upbringing, cultural
influences, gender biases, etc.) that in turn prompt the legislation and activism described in this piece. I would like to use this opportunity to research exactly that, in hopes of eventually being able to address these motivators from either side in order to effectively support women and their rights. As Karen DeCrow once said, “In my opinion, the battles over birth control and Planned Parenthood are primarily neither political nor religious. This is an issue of equality for women. This is an issue of women’s rights.”


