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**Review of *Rethinking Abortion: Equal Choice, the Constitution and Reproductive Politics*. Mark Graber. Reviewed by Margaret Severson, University of Kansas.**

Margaret Severson  
*University of Kansas*

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the public sector their first choice for employment. Waldinger's disagreement with the polarization thesis (that a post-industrial service and information based economy creates too many jobs at the high and low-paying extremes and not enough in the middle) is thinner—he simply asserts that contrary to the popular “hour-glass economy” metaphor, low-skill low-pay jobs really are not proliferating in New York City or in the country as a whole.

Social workers and applied sociologists may find this book interesting, but short on clinical or policy utility, especially since Waldinger emphasizes how social or governmental interventions intended to change patterns of racial-ethnic job recruitment have been negated by incumbent job-holders' informal connections in their ethnic niches. On the one hand, he shows how the construction industry minimized the entry of African-Americans despite social protest, political pressure, court-orders, and affirmative action plans; on the other hand, he explains how Mayor Koch's overturning of existing affirmative action plans from prior administrations did little to stem large-scale African-American entry into New York City's public sector workforce.

The author wrote this book with candor, objectivity, and a desire not to over-simplify complex and controversial issues. Perhaps for that reason evidence presented in some places seems to contradict arguments made elsewhere in the book. It is an important contribution to ongoing debates, but I think researchers on all sides of the issues addressed in this work will find much to argue with as well as much to praise and endorse.

Charles Jaret

Georgia State University

Mark Graber, *Rethinking Abortion: Equal Choice, the Constitution and Reproductive Politics*. Princeton, NJ: Princeton University Press, 1996. \$29.95 hardcover.

In *Rethinking Abortion: Equal Choice, the Constitution and Reproductive Politics*, Professor Mark Graber presents an interesting argument, one not immediately apparent from the title of this work, why abortion should remain legal. Promising to avoid a rehashing of the ongoing privacy debate, the author places the issue of equal access to abortion in the forefront and then frames

his thesis with a historical review and social analysis of women's access to abortionists. Abortion-justice-for-all is the central theme of this book, with the author calling for a permanent end to the "gray market" in safe abortions in this 160-page argument for equal choice, equal access, and equal justice.

Professor Graber wastes no time setting out his agenda. In the introductory section, supported by data revealing the correlation between socioeconomic class and access to safe abortion, the author asserts that equal choice is the new constitutional argument for maintaining the legality of abortion. Equal choice is an equality right, contends the author, and as such it must be available to all women. If abortion is once again made illegal, as many fear will happen, the unavailability of safe abortions to the poor and women of color will constitute discrimination in violation of the Fourteenth Amendment's guarantee of equal protection under the law. Having set forth these claims early on, the author devotes the remainder of this book to shoring up the foundation of his equal access thesis.

In chapter one the author works to distinguish his thesis from others previously asserted in the ongoing abortion debate. He particularly takes on feminist legal scholars like Catharine MacKinnon and suggests that existing pro-choice, feminist, and pro-life arguments are based on abstract concepts and thus are insufficient to ensure the equal application of law. Chapter two provides the historical context for Graber's philosophical argument. Here, the author reviews the various anti-abortion laws and the characteristically restrictive enforcement of them that distinguishes pre *Roe v. Wade* access from post *Roe* access to abortion services during the twentieth century. If *Roe* is ultimately overturned, suggests Graber, a number of states will pass legislation or constitutional amendments authorizing legal abortions, but these state actions would once again result in unequal, and therefore discriminatory, access. Chapters three and four focus on the making of constitutionally-based laws, such as was seen in *Roe*, and on the enforcement of these laws, respectively. In the final chapter, the author pulls together various historical, philosophical, and moral considerations of equal justice and then subsequently recommends a politically strategic approach for safeguarding equal access to legal abortions.

With his emphasis on social injustice, Professor Graber's argument for equal access to abortion services is interesting from a social science perspective. Though unquestionably legalistic, the author manages to stay a step beyond the pure legal interpretation approach to abortion analysis by weaving together the threads of abortion policy, practice, and social impact. He delivers on his promise to avoid delving into the ongoing debate over constitutional guarantees of privacy. His argument is nicely framed by both the social and historical contexts in which it is situated. Interestingly, at times Professor Graber seems driven by his own existential guilt: at both the beginning and at the end of this text he somewhat apologetically tells of his family's privileged socioeconomic status and their predictably unrestrained access to abortion services, whether legal or not.

Unfortunately, the clarity of Graber's argument is sometimes obscured by a smug presentation and the use of simplistic analogies. He admonishes pro-choice advocates for not having incorporated social class and abortion access data into their legal arguments. In turn, Graber criticizes pro-life advocates for thinking that legal bans on abortion actually protect the unborn, saying "this facile assumption is based on a faulty syllogism" (p. 22). By summarily dismissing advocates from both sides of the debate, Graber misses the point about what is good in this ongoing, sometimes volatile dialogue: that when dealing with the issue of human life, whether real or potential, the philosophical and moral tensions surrounding the issue serve as normative balancing mechanisms during the process of its resolution. Unknowingly perhaps, Graber describes some of these tensions on page 21, but then calls them "historical and political nonsense." Sixteen pages later he actually defines the tensions when remarking that "[n]either the standard defenses nor the conventional critiques of Roe can persuade a clear majority of . . . Americans that a particular abortion policy best reflects our society's philosophical and constitutional values" (p. 37).

Additionally, though this book is clearly written for persons having experience reading and understanding difficult legal and social science concepts, Professor Graber uses simplistic analogies to further illustrate his points. For example, the author compares the impact of discriminatory enforcement of abortion bans with

the impact of discriminatory enforcement of laws banning littering and parking in red zones. These are, of course, dissimilar in that the former implicates a constitutional issue where the latter issues do not. More importantly, they are incomparable because one ban may be as important as the other depending on the relative position of the person it impacts. Finally, perhaps the most offensive example of the author's simplistic approach to securing equal access comes late in the text when Graber suggests that "repeating the arguments of chapters III and IV at appropriate moments may be the only political strategy necessary for keeping abortion legal (p. 118)."

Graber's theoretical approach is even-handed in that the equal access argument transcends the sticking points of pro-life and pro-choice rhetoric, i.e. when does life begin; does the fetus have constitutional rights; is the fetus entitled to constitutional protections? In theory, the equal access concept works whether abortion is legal or not. Historically, however, discriminatory treatment and disparate impact have occurred even where equal access has been "legally" assured; for example, in education, employment, and housing. The author deserves credit for presenting some important ideas in this book and students of social policy may find Professor Graber's approach of interest in terms of a broad examination of the concept of equal access and how it is played out for the poor and for women of color. In the end, however, his message is deceptively and misleadingly simple: policymakers, judges, lawyers, enforcers of the law, and their families and friends must not have nor exercise a privileged access to abortion. If only resolution of this great struggle could be that easy.

Margaret Severson  
University of Kansas

Simon LeVay, *Queer Science: The Use and Abuse of Research into Homosexuality*. Cambridge, MA: The MIT Press, 1996, 364 pages, \$25.00 hardcover.

Already well known for his work that described the differences between the brain structures of homosexual and heterosexual men, Simon LeVay (a neuroanatomist) tackles the persistent