The abortion conflict in the United States is intense, protracted, sometimes violent and apparently polarizing. By contrast, the debate over abortion in Germany has been sporadic and restrained, despite the existence of both feminist and right-to-life social movement groups that make no less absolute and intense claims about the rights of the fetus and the woman. In this paper, I examine some specific journalistic norms that seem to contribute to the diffusion of political conflict over a particular policy into a cultural conflict over the meanings of such core political concepts as life and liberty.

I argue that German journalistic norms are more driven by conceptions of the polity and of political debate that encapsulate issues within the formal democratic party system and make it more difficult for ordinary citizens to connect them to their own personal lives or those of their fellow citizens. American journalistic norms, by contrast, give law enforcement and “human interest” a prominent role and thereby make this linkage easy, but make it correspondingly harder to limit the scope of a political debate.

The paper addresses the question of differences in journalistic norms by empirically examining what newspaper coverage actually does in practice rather than what journalists say is desirable to do. The focus of the study is on “quality” newspapers

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1 This paper is drawn from a larger project comparing US and German abortion discourse (Ferree, Gamson, Gerhards and Rucht, Shaping Abortion Discourse, 2002). Some of the argument replicates basic observations made in this book, but this paper also takes up some of the themes we could only begin to touch on there and elaborates them in other directions.
rather than TV or tabloid coverage, although it is certainly the case that the latter forms of
debate play a large role as well in shaping the course of conflict. The newspapers
compared here (The New York Times, Los Angeles Times in the U.S., Die Süddeutscher
Zeitung, Die Frankfurter Allgemeine Zeitung in Germany) claim to set a high standard for
discourse and in some sense represent the normative ideal.

Historical and theoretical background

The most influential comparison of the abortion debate in Germany and the
United States is that of Mary Ann Glendon (1989), a legal scholar, who argues that the
vehemence of the American abortion debate can be attributed to two factors, one
institutional and one discursive. Institutionally, she claims that the U.S. Supreme Court
intervened in a process of legislative debate and reform. By thus surprising and outraging
pro-life advocates, the Court short-circuited the opportunity for a more democratic debate
within state legislatures and the gradual convergence on a more “moderate” solution that
would be in line with popular views that abortion should be permitted in cases of serious
problems facing the potential mother, while being morally disapproved. In contrast, she
argues that the German debate remained legislatively anchored and the parliamentarians
were able to find a compromise position that did not enflame either side. Discursively,
she argues that the German debate was more anchored in issues of need and welfare, and
thus was more attuned to variations in individual circumstances, while the American
debate offered more extreme claims about the absolute rights of the woman and the fetus.

However, the literature on abortion politics as well as the study that we conducted
cast both of her explanations for the relative quiet observed in Germany seriously in
doubt on several grounds. First, it is not true that only in the U.S. was the constitutional court an active player in defining the parameters of the abortion issue.

In Germany, after the Federal Parliament (Bundestag) passed legislation in 1974 permitting abortion on demand in the first trimester (12 weeks), the German Constitutional Court immediately took the law for judicial review and struck it down as being inconsistent with the mandate in the post-World War II Grundgesetz (Fundamental Law) that the primary obligation of the state is the protection of life. By affirming that the fetus was a human life that the state was obliged to protect from the moment of conception, and unlike the U.S. Court, claiming that there was no debate over this basic premise, the German court prevented the new abortion law from ever going into effect. The constitutional court in Germany was no less active than the Supreme Court of the United States, even though it came down on the opposite side of the issue (Riemer 1993).

Second, while the Roe v. Wade decision did have an impact on defining what state laws could or could not do, the U.S. Supreme Court does not prospectively outline the nature of specific laws that would meet the test of constitutionality, leaving it instead to state legislatures to work out. Thus, the U.S. decision did not put an end to democratic debate, and indeed the period immediately after Roe v. Wade was a high water mark in state and federal legislative engagement with the issue of abortion. Bills regulating abortion practice were debated in every state legislature, and both state and federal legislative efforts to pass a constitutional amendment overturning the premise of individual privacy in reproductive decisions on which Roe v. Wade rested were also frequent in these years (Goggin 1993). By contrast, the German constitutional court offered prescriptive guidance to the federal legislature that spelled out in detail the four
conditions (threat to the mother’s life or health, fetal deformity, rape or incest, and unspecified social necessity, presumptively economic) that it would accept as justifying an abortion and even the means by which they were to be implemented (a doctor other than the one performing the abortion certifying the existence of the justification). The Bundestag then passed the recommended legislation with a minimum of debate in 1975.

Third, the idea that this reform met with general approval in Germany ignores the protests of the social movement that was the loser in the Court’s decision. While in the U.S. it was the anti-abortion movement that was galvanized into action against the implications of *Roe v. Wade*, in Germany the feminist movement had been the primary advocate of abortion reform and was outraged when the law was struck down. Feminist groups protested on the streets, occasionally violently, right after the decision was announced and then began a series of demonstrative actions, such as illegal bus trips to the Netherlands for women who wanted abortions without justifying them to a doctor, to highlight the intrusiveness and offensiveness of the law (Krieger 1988). Efforts by the conservative southern state of Bavaria to restrict the number of abortion providers and to tighten the loophole of unspecified “social necessity” under which approximately 90% of all abortions in West Germany were performed led to widespread “abortion tourism” from the south to north Germany as well as to the Netherlands and other less restrictive countries (Young 1996, Zwerenz 1988).

From the time reforms were passed in the mid-1970s through the late 1980s, when Glendon’s book was written, both the U.S. and Germany had active social movements on both sides of the issue. Feminists led protests in Germany as antiabortionists did in the U.S., and both sides offered their critiques of the premises of the courts in both countries.
Our larger study of this issue from 1970 to 1994 shows that Glendon was also mistaken in asserting that discursively the German debate was less prone to make claims about the absolute rights of the fetus and of the woman. Indeed, our analysis of the overall discourse shows that German antiabortion speakers were on the whole more likely to phrase their claims in terms of the right to life of the fetus than American antiabortion speakers were and that U.S. abortion rights proponents were more likely to assert an abstract right to individual privacy as the basis for permitting abortion, while German proponents instead focused on a gender-specific right of women’s self-determination. Overall, Germany had somewhat more “rights talk” than the U.S. did, which is precisely the opposite of what Glendon argued.

Discursively, we also found that over time the premise of the German court that the fetus was a human life that the state had an obligation to protect became more central to the arguments of both sides. Even feminist arguments for further reform often conceded this claim while continuing to press for women’s self-determination of the circumstances under which an abortion could be justified despite the fetus’s ‘right to life.’ The premise of individual privacy that the U.S. Supreme Court offered was less accepted by the opposition, but the overall tenor of media commentary was more supportive of abortion rights in the US than in Germany and the gap between women’s and men’s public framing of the issue was less pronounced.

In both countries, abortion returned to the public agenda in the late 1980s. In Germany, the impetus came both from a notorious prosecution in Memmigen in 1988 of a Bavarian doctor for “abusing” the social necessity provision of the existing law and from the collapse of the German Democratic Republic in 1989, the subsequent
unification of the two Germanies in 1990, and the need for a common regulation in both parts of the expanded country. Because the GDR had permitted abortion on demand in the first trimester since 1972, unification demanded some reconciliation of the two different laws on abortion. Protest against the imposition of West German law on abortion threatened to derail unification entirely in early 1990, and the issue was therefore deferred by treaty to be resolved in the following two years in the now-unified parliament. The Memmingen trial had focused attention on the potential for women getting abortions under West German law being dragged through the courts after the fact as their “social necessity” justifications were re-scrutinized and judged as adequate or not. The issue of second-guessing women’s own judgment of their need for an abortion was thus highlighted. In the end, the Bundestag passed a reform that affirmed the illegality of abortion but made women themselves the final arbiters of social necessity, and the constitutional court again intervened to sharpen its provisions in the direction of protecting fetal life. Abortions remained illegal but in the first trimester were not to be punished if women went through the mandated “pro-life but outcome-open” counseling and waiting period.

In the U.S. a series of Supreme Court cases in the 1980s removed the state’s obligation to pay for legal abortions and permitted a widening range of private restrictions on the availability of abortion in practice, particularly by allowing hospitals to refuse to provide them and demanding parental (though not spousal) consent. The continuing interaction between those state legislatures in a few states (Louisiana, Missouri and Pennsylvania) that were actively seeking to limit abortion as much as the court would allow and the increasingly conservative Supreme Court focused attention on
the point at which new appointments to the court might finally produce a majority that would overturn *Roe v. Wade* (Solinger, 1998; Hunter 1994) This expectation reached a high point in 1989 when the *Webster* decision was pending. The court indeed affirmed a new “undue burden” standard in that decision, and further spelled out practical limitations on abortion access in its 1992 *Casey* decision. However, the court also explicitly refrained from overturning *Roe*.

Thus, the United States and Germany provide a particularly interesting and theoretically challenging case for comparison of abortion discourses. Chronologically, they follow a similar three-phase course: In the first phase in the early 1970s, there are demands for reform, legislation, and constitutional court interventions that set parameters for future law. In the second phase, between the mid-70s and late 1980s, there are various efforts to enforce and to weaken the law as well as protests against it. And in the third phase, from 1988 to 1994, the courts and legislatures revisit the law and affirm its basic principles, while modifying it in practice.

Politically, however, the two countries follow a precisely opposite trajectory, with the initial court decision in Germany mandating a pro-life position and the U.S. Supreme Court putting priority on the right to privacy in the first trimester. Pro-life groups are the “losers” in the US and mobilize resistance, while feminist groups are the “losers” in Germany and seek to resist the law there. While American access to abortion becomes more restricted in practice over time, West German women have easier and more reliable access to abortion under the post-unification law, while women in former East Germany are faced with more restrictive demands for state counseling. However, the vehemence and violence of the American debate is never matched in Germany.
Theoretically, Glendon’s effort to explain the relatively quiet and unpolarized German abortion debate falls short because there is neither an absence of pragmatic legislative debate and compromise in the US nor an absence of undemocratic constitutional court intervention in Germany. Moreover, her postulate that the American debate has been caught up in extreme and polarizing “rights talk” that pits the rights of the woman against those of the fetus is only partially true. As our larger study showed, there is actually more use of the language of rights in Germany than in the US and German rights talk also tends to focus more on the woman and the fetus. However, the consistent insistence of the court on some recognition of “social necessity” as warranting exceptions to abstract principles situates the debate in Germany more overtly in terms of the role of the welfare state and allows for claims about both autonomy and social protection.

Thus we are left with a puzzle as to why the American abortion debate is so deeply polarized and politically salient, while the German debate seems again, as it did in the mid-1980s when Glendon was writing, to be “settled.” Of course, the German debate did flare up again, contrary to her expectation, and with sufficient salience to threaten the entire process of unification. But the continued level of attention and anger that the American debate generates is not evident in Germany. In this paper, I explore some of the ways in which the practices of the media themselves contribute to the nature of public conflict on this issue. But it is also important to stress that it is not just media decisions and norms that are responsible for the different trajectories of engagement over this issue.
There are at least just two other, non-media factors that should also be considered in any comprehensive look at the continuing salience of this debate. First, while both Germany and the U.S. are federal states, in the U.S. access to abortion is a matter for the individual states to decide while in Germany, abortion is regulated by a single federal law. Thus in the U.S., the losers in any particular decision or legal battle do not have to take “no” for an answer. They can go “venue-shopping” for a more congenial court or legislature that will embrace their interpretation of the law. Even when the Supreme Court decides an issue, the parties rarely concede defeat but look to limit the way in which the decision can be put into practice in particular states, leading to a continuing cycle of legislation and adjudication that is not found in Germany. This provides a continuing “hook” for media coverage.

Second, the issue of social protection for socially disadvantaged groups, women, families and children is controversial in the United States in the way that it is not in Germany. Germany embraces an ideal of itself as a “social market economy” and combines social democratic and Christian-conservative ideals about the primacy of community good over individual self-interest in making social policy. The market-liberal political party in Germany is the FDP, and it is a weak third, or even fourth after the Green party, in voting strength. In the U.S., by contrast, both Republican and Democratic parties affirm liberalism, individualism and markets as basic principles, tempered to some degree by their willingness to protect the particular economic interests and contending definitions of moral principles of their partisans. Thus it is difficult for American parties to forge a consensus over the social protection for the most disadvantaged, and easier for each party to seek moral scapegoats to attack.
Important as both of these factors are in explaining the persistence and partisan uses of the abortion debate, the explanation of how abortion continues to be an issue that the media find irresistible also needs to look at the role of the media themselves as actors with a role to play in this debate. It is to this issue of how norms of coverage matter that this paper now turns.

Methods

The data for the paper are 1243 US and 1425 German newspaper articles. In the United States, the newspapers sampled were the New York Times (1963,1967, and 1970-94) and the Los Angeles Times (1972-1994); in Germany we drew our articles from the Süddeutsche Zeitung and the Frankfurter Allgemeine Zeitung between 1970 and 1994. All four are relatively elite, policy-focused newspapers with local and more national readerships; they represent the higher norms of coverage in each country. While surely television and tabloids also serve to shape the overall debate in both countries, our desire for a longer comparative time series eliminated these sources since they were not archived or indexed to nearly the same extent. In Germany, TV news was not archived and in the US tabloids were not indexed back as far as these papers were.

We drew representative samples of articles from all the papers, and weighted the data to compensate for the different sampling fractions we employed to get similar numbers of articles from both countries across newspapers and years. Only articles primarily (50% or more) concerned with the topic of abortion were included in the

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2 Differences in indexes and availability explain the variation in sampling strategies. Both German and American samples were weighted by year as well, which reflected different sampling fractions that we needed to employ. The methodological appendix of Shaping Abortion Discourse provides further detail.
sample. The articles were coded hierarchically in a database that identified speakers, utterances and idea elements within articles.

The utterance was the basic unit of analysis, and was defined as direct quote or paraphrase of an individual or collective actor related to the topic of abortion. An utterance continued to the introduction of a new speaker or to the beginning of a new paragraph. Utterances that contained ideas that defined what abortion was about in terms of the substantive meaning of the issue were termed “framing utterances” and each specific idea offered about abortion was called an “idea element” and coded individually. An utterance could contain any number of framing ideas, related or unrelated, but each distinct idea element was coded only once per utterance. All utterances by actors with the same party, gender, and organizational affiliation in the same article were treated as being by the same speaker, even if the actual individual speaking varied (e.g. President Carter and his press secretary; two men doctors representing the same hospital).

In this paper, the primary emphasis is on the article as the unit of analysis and the composition of the article by the journalist in terms of the nature of the speakers included and the ideas they express. Speakers are here divided into two major groups, expressing the distinction that Habermas offers between the “core” and the “periphery” of the political system. The core is represented by those speakers who hold formal positions in government (executive, legislative or judicial branch), or who are speaking on behalf of a political party; they are thus the representatives of the major democratic institutions charged with reaching political decisions. All other speakers are treated as being part of the periphery, but that group is further divided into organizational representatives (speaking on behalf of some movement or association in civil society), experts (both
those who had no organizational affiliation but were identified as legal, medical, theological experts in the story and those whose organizational affiliation was academic and therefore were not representing their institutions but rather their own expertise), and other non-affiliated individuals (persons on the street, celebrities, plaintiffs or defendants in court cases, etc). In Habermas’ model, the periphery is more appropriately engaged in democratic decision-making when it concerns value choices, and decisions that are left to the core should be those in which technical expertise and complex matters of implementation are dominant.

What I propose to show is that U.S. newspapers make abortion a more continually culturally relevant topic by providing ways for ordinary citizens to connect the formal political debate to issues in their own lives, while German newspapers keep the debate within the narrow boundaries of the formal political system. By treating abortion as a one-time value choice made by the legislature and otherwise a matter of expertise and mere implementation, German newspapers limit the role of citizens in debating abortion. By focusing on how law is applied in various situations of implementation, American newspapers accord actors on the periphery a more significant role in discussing how values matter in practice. Continuing disagreement in the public about the legitimacy of abortion is thus highly salient in the US, and mechanisms for declaring a cultural debate over are not as available as those for ending a merely formal legislative debate.

Analysis

The cultural relevance of political conflict is constructed through several steps observable in these newspapers. First, the German pattern of coverage of abortion is closely tied to legislative consideration of particular reform bills. As a result, the number
of articles varies dramatically over time, with steep peaks in coverage when the federal legislature is actually working on a proposal and a sharp drop-off in coverage once the bill is passed. CHART 1 shows the total number of articles from which our sample was drawn.

(Chart 1 about here)

As is evident here, there is more coverage in the US overall, but the German coverage shows two very sharp peaks, corresponding to the two different legislative reforms: the first, in 1974, amended in a more restrictive direction by the constitutional court in 1975, and the second, in the wake of unification, passed in 1992. Note in particular that when the law has passed and the court review is over, in the period from 1977 to 1986, there is virtually no coverage in these German newspapers to sample. In contrast, the American pattern of coverage rarely shows any major drops in attention, whether or not there is a bill or court case pending, though the *Webster* and *Casey* decisions revisiting *Roe v. Wade* sharply increased coverage in 1989 and 1992.

Some of this difference lies in what is perceived to “make” a story. In German coverage, it is assumed that a newspaper is not doing its job unless the positions of the parties on the bill and the implications of its wording are made clear to readers before the bill is voted on. In the representative liberal framework that German newspapers favor, good democratic media practice requires a high level of transparency in what the parties stand for, because parties rather than individuals are to be held accountable for what bills are passed. Pre-vote coverage is thus intensive and party focused. By contrast, as commentators have often pointed out, American coverage of legislative debates is less extensive, rarely provides a strong sense of party difference on a bill or of the
implications of its wording, and often focuses on the odds of winning (who has the votes). This is a truism among media critics on both sides of the Atlantic (Dahlgren 1991; Lambeth, Meyer and Thompson 1998).

However, these data suggest the difference in coverage extends beyond the point at which a bill is passed. At this later point, the implications are rather different. In Germany, stories are overwhelmingly hung on a legislative "hook" which means that once a bill becomes law in Germany it ceases to be a story. As CHART 2 demonstrates, the percentage of all articles in Germany that stem from legislative events strongly dominates all other bases for a story. The sharp drop in such stories in the 1977-82 period explains the virtual disappearance of media coverage in this period that was evident in Chart 1.

(Chart 2 about here)

In the U.S., by contrast, this is when the abortion story begins to get more coverage. As Chart 2 shows, there are multiple types of "hooks" used to anchor stories about abortion, and the legislative arena is only one among many. The law offers multiple different angles for coverage: it may be taken into the court to be judged as to whether it is constitutional or not; it may create stories about its enforcement, in terms of arrests or prosecutions; it may be a matter of human interest in how it is applied and with what effect in different communities.

There are two things to note about Chart 2: first, the overall dominance of the legislature in framing abortion in Germany, in comparison to the more diverse set of speakers that are represented in the United States. German government speakers, particularly legislative speakers, strongly dominate coverage at all times to a degree
never reached in the U.S. newspapers. In the U.S., the overall dominance of the state (all three red lines) declines over time as other voices become more prominent, while the reverse is true in Germany. By the 1990s, legislative dominance over framing abortion in Germany rises back to or above the level seen in the original reform period of the mid-1970s.

Second, note that crime coverage in the US of abortion varies inversely with legislative (and to a lesser extent judicial and executive) attention to the issue. When media attention to abortion might otherwise wane, the coverage of arrests and prosecutions rises sharply. Social movements may well be active in directing journalists’ attention to such events as potential stories, if not always actually producing them through their own actions, which they also can do (by demonstratively breaking the law or bringing a civil case into court). But even when legislatures (state or federal) are not dealing with abortion, law enforcement provides another basis for covering abortion as a story.

In Germany, coverage of abortion as a crime (which it legally has been and continues to be) is typically minimal. There is one notable exception, the cause celebre prosecution of a doctor in Memmingen in 1988 for allegedly over-lax application of the social necessity exemption under the law. The gap in coverage was actually first brought to our attention by one of our American coders who was coding a translation of a German article in the course of our reliability testing. The pre-Memmingen German editorial she was coding referred to the dozens of arrests and prosecutions for illegal abortion as the tip of an iceberg of hundreds of illegal abortions that were never prosecuted at all, and condemned the law for its hypocrisy. She asked if we could translate an article about any
one of these arrests so she could see who was being singled out and why. We looked and found no such article; indeed, even the coverage of Memmingen in the mainstream press did not include interviews with any of the women whose abortions were being ruled illegal after the fact or discussions in any but the most abstract terms about what grounds they had or what the prosecution meant to them. Such coverage, a matter of journalistic routine in the US, was counter-normative in Germany and was only provided by feminist periodicals.

It appears that German media norms construct state enforcement of laws as unproblematic, undeniable and hence unnewsworthy, thus distancing the law from the lives of the people it affects. American coverage can be argued to pay too much attention to stories about crime and prosecution, but these stories often involve ordinary people affected by abortion laws and the discretionary nature of their enforcement. This means that American coverage should be expected to provide more voice to speakers who are neither party and government representatives nor spokespersons for formal organizations (or any size) in civil society.

Although most of those with voice in the media were representatives of government or formal organizations of some sort in both countries, non-organizational speakers had three times as great a share of opportunities to speak in the US than in Germany, as CHART 3 shows. Nonaffiliated speakers are only 5% of German voices defining what abortion is about, but 15% of the American ones. Among the speakers in the US who were not associated with any organization, plaintiffs and defendants in court cases were a significant category (25% of such non-affiliated speakers).

(Chart 3 about here)
While most speakers in both countries do have organizational affiliations, the likelihood of these speakers being on the “periphery” (in social movements and civil society associations such as churches and professional groups) is considerably greater in the U.S. than in Germany (43% to 19% of all framing speakers). In Germany, the inclusion of any unaffiliated speakers is considerably more rare than in the US at all, and the majority of those who do appear are “experts,” typically offering legislative testimony. Even the voices from outside the core are further removed from the politics of everyday life. If German media has a bias toward covering just the passage of laws, bringing in voices from the periphery to the legislative arena if it attends to them at all, the relative prominence of crime stories in abortion coverage suggests that American media may be biased toward covering enforcement of laws after the fact. Such coverage moves away from Washington and into geographically and culturally diverse local communities.

Secondly, the substantially greater American media coverage of human interest stories and personal narratives that accompanies this “enforcement” bias gives voice in the media to a wider range of social actors, not only the legislators and party speakers on whom German newspapers focus. Once the implications of a law for the way people live their lives become newsworthy, both social movement actors and ordinary individuals are deemed to be appropriate interpreters of the meaning of the law, and legislative intent alone is no longer sufficient to circumscribe the bounds of meaning. This opens the door for a more narrative and emotional style of discourse and creates more opportunities for
speakers with voice in the media to use their access to attempt to appeal directly to readers to connect what they read about to their own lives.³

This is a boon to social movements in two ways, both giving them greater standing in the media overall and specifically allowing discourse aimed at mobilizing a constituency and converting bystanders to their cause. Social movements can precipitate coverage focused on law enforcement, and those most dissatisfied with the law in each country (feminists in Germany in the 1970s and the anti-abortion movement in the US in the 1980s) pursued strategies to direct attention to law enforcement issues, by trying to bring cases into court, by using illegal actions to call attention to their grievances, and by telling graphic stories about what the consequences of the law are in individual cases.

American-style coverage amplified the cultural effects of these protests by defining protestors as important and newsworthy, while German protestors found it difficult to get anything they said or did into the newspapers at all. For example, the openly organized feminist bus rides to the Netherlands for illegal abortions in the late 1970s were designed to draw government prosecution and media attention, but were not used as a source for personal stories about why women were taking the trip, as they would have been in the US. While the events may have been covered, the protestors were not given voice to explain their perspective.

(Chart 4 about here)

As CHART 4 shows, no stories in this 1977-82 period allowed movement actors to frame what the debate was about, and the German protests by the feminist “losers” gradually faded away. By contrast, in the U.S. the social movement on the losing side

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³ The uses of narrative are described and explored in more detail in Shaping Abortion Discourse; see also Gamson, 2001.
was able to garner media attention for its framing of the issue. The Silent Scream was produced in the US to convey the anti-abortionist view of what abortion did to an “individual human life” and drew massive press commentary from both movements and bystanders when this film was shown in the US. In Germany, showing of this same (dubbed) film was not deemed newsworthy, and the pro-life movement distributes it privately. Even the coverage of the infamous Memmingen trial used expert speakers (social workers) to explain “why women get abortions” rather than turning to the women themselves, the grounds for whose abortions were being debated by the attorneys and the court, to explain their decisions and the course of their lives in the years between the abortion and the trial. It is inconceivable to me that American newspapers would not use the women, summoned unwillingly as “witnesses” against the doctor who performed their abortion, and the material in their records to “humanize” the story, and in the process to give direct voice to those who were most directly affected.

Indeed, German feminist newspapers and magazines in 1988-89 did take the opportunity to present anonymous case files that described the circumstances of the abortion, but even they did not provide a platform from which women could publicly proclaim that they had had an abortion of which they were not ashamed. This strategy, made famous in the early 1970s with a campaign in a major newsmagazine (Stern), in which women both well-known and obscure, publicly avowed having had an illegal abortion (whether they had or not), was shocking and still widely remembered in Germany. Similar admissions of illegal abortion (for example, by a member of the Mamas and the Papas, by a head of Planned Parenthood) are not infrequent in American newspapers, and also less radical and shocking in their effects. Such stories nonetheless
provide a strong connection between debates and decisions about legal abortion and the considerations of individuals about their families. They thus offer a discursive link between public and private that makes this boundary less apparently absolute and impermeable than it appears to be in Germany.

Thirdly, the standing of social movements in the media in the US (along with the weakness of coverage of party debate, discussed above) makes it more reasonable for American journalists to construct stories in which legislators and government officials take one side of the debate and representatives of social movements or other voices from civil society take the other side. As an issue becomes defined as being contested, the people understood to be involved in the political conflict are not just party leaders and those with formal government positions, as in Germany, but anyone who has an opinion in the matter. This means not only social movements, but also the unaffiliated speakers mentioned before and the public as represented by public opinion polls, are given “voice.”

In particular, the stories that bring the decision-making “core” (in Habermas’s terms) together with the “life-world” of the periphery are much more common in the US than in Germany, as we see in CHART 5. Unlike Germany, where a focus on decision-makers alone (and most of these being legislators and party representatives) dominates coverage, in the US, the increasingly modal form is a story that brings state and non-state actors together in a single article. The differences between the two countries are always clear, in that the German abortion debate was initially bifurcated into articles that focused on the governmental “core” speakers and those that focused on the “periphery” (often women’s movement speakers) while the U.S. is initially more diverse in terms of the
types of articles constructed. Yet change over time serves to sharpen these initial
differences. In Germany, the representation of the periphery alone drops first, then the
share of articles including both core and periphery speakers, until in the 1990s about
three-quarters of all articles provide only speakers from the core. The difference between
the U.S. and Germany therefore also increases over time, as the share of articles limited
to core speakers alone declines in the U.S. But the sharpest increase in the U.S. is not in
the share of articles that give voice only to actors on the periphery, but in those that mix
core governmental speakers with other speakers in a single article. Thus it is not just that
social movements in the US gain more standing over time, which they do, but that all
sorts of actors on the periphery (from church representatives to people on the street) are
given voice in the very same articles that also present the views of core decision-makers.

(chart 5 about here)

As a result, the political debate in the US is not encapsulated within the
boundaries of practical legislative considerations, such as are entailed in getting a bill
passed, but engages a wider spectrum of political actors, with a potentially more diverse
set of considerations that they could articulate. The journalists’ choice to juxtapose
speakers from the “core” with commentators from the “periphery” signals the connection
between the legislative issues and wider, more inclusive definitions of politics. But such
politics may also be more contentious.

We also found that a story constructed to include both core and periphery
speakers is more likely to take a debate-like, two-sided form including both pro-abortion
rights and anti-abortion advocates in the same article. This general association between
the greater variety of speakers included in a single article (a mix of core and periphery)
and the inclusion of conflicting perspectives in a single article holds for both Germany and the U.S. However, as we see in CHART 6, the most debate-like articles by far are the 44% of US articles that include both government actors (core) and non-decision-makers (periphery) as speakers. German articles that include both types of speakers are rarer (19%) and even when they do occur, they are less likely to actually include both sides in the one article. Not only are articles including both government speakers and others are much more likely to be found in US newspapers, and in the US be more likely to include both pro and anti positions, but all (even the government only and periphery only) types of U.S. articles tend to follow this two-sides-to-every-question rule more than is the case in Germany.

(Chart 6 about here)

The causal order is thus probably two-sided: the demand for “fairness,” operationalized as giving both sides to a story in that one article, may tend to encourage inclusion of critics from outside of government along with government speakers in an article, while the US norm promoting inclusion of both types of speakers in a single article may tend to encourage journalists to set up the story as a debate between them.

This does not mean that German articles are necessarily unbalanced or one sided. Although we found more articles in Germany that focused on only one side of the debate, these were often balanced elsewhere by articles solely focused on the other side, thus creating balance across articles rather than within them. But German articles were constructed to achieve a different sense of what is “fair.” An article that represented the spectrum of positions taken by the political parties, with more space allocated to the major parties and less to each of the minor ones, was one way to operationalize fairness
journalistically. But this norm continued to keep the debate bottled up within the legislative context, and not serve to include speakers from the periphery. The American understanding of “fairness” includes representing positions that are not found within the legislature as well as those that are; this may be a realistic accommodation to the reality of the American winner-take-all electoral rule which does not represent minority positions in the legislature as effectively as a proportional representation system will. But it also has an effect on the symbolic definition of “politics” by widening the spectrum of those seen as having a legitimate voice on an issue and by framing political questions as a debate between two (and only two) sides. While the first effect may be inclusive, since actors with less power collectively, such as white women and people of color, are more strongly represented in movements and associations than in legislative offices, the latter may have exclusive effects, on especially on positions and points of view that do not fit neatly into the debate organized as being between two opposing perspectives (Phillips, 199x).

Conclusions

To sum up, the boundaries around abortion as a political issue are less narrowly legislatively drawn in the US than in Germany. Enforcement rather than just passage of laws is seen as a political issue, and this creates space for individuals and social movements to connect state laws to personal life experiences. Narrative, human interest, and protest are more newsworthy in an American context which provides a basis for non-organizationally anchored individuals to have a voice. This also widens and humanizes the picture of what is at stake in the conflict, including the application of law to individuals in court cases of various kinds. Movements can use law enforcement
practices to bring cases that they believe will be perceived as “scandalous” and to draw attention to selective enforcement, as well as to provoke arrests at demonstrations or in other kinds of protests. The attention thus conferred on social movements allows them to keep the abortion debate open over a long time and for a variety of concerns, regardless of what the legislature does.

Media norms in Germany more effectively engage readers’ attention in institutionally bounded politics, while U.S. media norms present the political more in terms of conflicts that spill over the edges of formal institutions and engage readers where they live, where differences in perspective may be more difficult to resolve. The inclusion of movements and associations as well as formal political actors in framing abortion does not seem to bring in dramatically different points of view, but it does journalistically legitimate actors may have more stake in winning – be it the specific court case or the victory of a general political principle -- than in compromising and moving on to some other issue.

It is thus important to consider broader issues of political culture when attempting to answer the question of why the US debate over abortion is so enduring and hard-fought. Just as it is misleading to consider the US killings of abortion workers and doctors and assaults on abortion clinics without taking into account the overall availability of guns and the tolerance of violence that is part of American culture outside the political realm, it is short-sighted to assume that all the differences in how the rhetorical debate over abortion has been waged in these two countries come down to the specific legislative or judicial decision-making over this one issue, as Glendon alleges. In both countries, judicial intervention was powerful and legislatures responded to the
constraints established by law. But the focus on the legislature and the potential for keeping a conflict within the bounds set by legislators willingness to compromise is not only set by the policy history of the issue or the rhetoric used by legislators, but by the cultural norms of journalism that either tend to encapsulate contentious issues within the framework of party and legislative debates and decisions or to diffuse conflict into wider forums, give voice to more diverse types of speakers, and frame issues as a debate between two (and only two) sides.

Not surprisingly, the media actually do play a mediating role in political debates over contentious issues such as abortion. What is more surprising is the degree to which the nature of the mediation varies between these two countries. Although both are similar in having free, privately controlled newspapers that aim to provide balanced and complete coverage of important political issues for their readers, the nature of what counts as “all the news” as well as how balance is to be created varies quite a lot. At least on the topic of abortion, these German elite newspapers primarily offer a top-down view of the news, in which state and party speakers dominate in framing what the issue is about and whose actions provide the primary focus of coverage. When German legislators want an issue like this to go away, they can simply refuse to debate it, and much (though not all) of the attention of the media will turn with them to other subjects. This makes the feminist success in forcing the issue of abortion onto the public agenda in the early 1970s with dramatic “self-accusations,” admitting to illegal abortions in a popular magazine, both more striking and more memorable. Indeed, the “self-accusation campaign” of the 1970s remains fresh in actors recollations and is often mentioned as a key moment of change.
American legislators have a less commanding position in the media, and while they too might wish to be able to re-direct public attention to other issues, they share the media spotlight with others to a far greater extent than is the case in Germany. Not only can social movements go venue-shopping for more sympathetic state legislatures and courts when the federal government rejects their case, but they can use protests, civil actions and state prosecutions to attract media attention. The U.S. media fascination with crime and popular interest in what happens to individuals when a law is applied provide potential hooks for stories that give ordinary individuals, as well as movements, voice in the press to define what abortion is about. Thus the flow of debate is not as one-sidedly from core to periphery but also rises from the grassroots to public attention in the media. While this weaker boundary between public issues and the private lives of individuals can be seen as contributing to a more participatory public sphere, the connection between public and private in this kind of mediated discourse also has the potential to make issues more volatile and harder to resolve (or walk away from) among elected representatives, who have little choice but to hear movements’ voices in the press. American women are not infrequently quoted describing past illegal abortions, but such stories are routine rather than galvanizing in the confessional, human-interest context of U.S. news.

While abortion may be different from other issues, especially economic ones, in the extent to which the media opens channels from the grassroots to the decision-makers in either country, it is an important one. The link between state policy and individual women’s lives and family decisions is clear, and trying to speak as if there were some sharp public-private dichotomy is difficult if not impossible. Nonetheless, the degree to
which media help bridge this gap or widen it is a significant aspect of democratic practice that requires further examination.
References


Phillips, Anne “A politics of ideas and a politics of presence”


Charts to accompany
Mediating cultural conflicts: Newspapers’ role in focusing or diffusing the scope of
conflict in the abortion debates in Germany and the United States
Myra Marx Ferree

Prepared for Culture, contention and conflict
(Draft 1/03)

Chart 1 Number of articles in sampling frame by year by country

Note: The n’s for each country are the number of articles in the sampling frame
Chart 2  Share of articles originating in each social arena (or “hook” for the story) by country and period

Germany

United States

Note: The unit is the article, and not all possible arenas of action are represented
Chart 3
Distribution of state and civil society speakers by country, all periods.

Types of speakers by country

Note: the unit of analysis is the speaker and speakers representing political parties are the omitted value from the chart (with party included percentages add to 100%).
Chart 4
Inclusion of social movements as framing speakers in civil society by country and period.

Note: the unit of analysis is the speaker; data is weighted and all state and party speakers are omitted entirely. Non-movement speakers who frame abortion in their utterances are the percentage not displayed.
Chart 5

Composition of articles (spectrum of speakers included within individual articles) by country over time

Note: unit of analysis is the article, German single-paragraph articles omitted.
Chart 6
Percentage of articles containing both pro and anti abortion speakers in the individual article by core or periphery locations of speakers included in the article (the spectrum of speakers) by country

Note: unit of analysis is the article, German single-paragraph articles omitted to maintain comparability with the US sample.