GENEALOGIES OF ABORTION:
ON THE LIMITS OF LIFE AND CHOICE IN MODERN AMERICA

by

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Abstract

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Genealogies of Abortion focuses on early twentieth-century fiction and primary sources to construct a genealogy of abortion politics that challenges the current binary of "life" and "choice." The project argues that both choice and rights are implicated in a liberal discourse that emphasizes individual autonomy and responsibility. In connection to this argument, the project demonstrates how the anti-abortion position on "life" assumes an individuated personhood and reinforces what Hannah Arendt identifies as modern society's foundation in the recurring cycles of reproduction, which place more importance on ensuring that accumulation is continuous than on valuing the end product. The project thus critiques the foundations of current abortion discourses in individualism and privacy by contending that the liberal construction of subjectivity presumes an already self-determining and privileged citizen. Additionally, the project shows how abortion discourses are rooted in early twentieth-century attempts to maintain a majority white and Protestant citizenry in the face of significant social changes, such as the end of slavery and the dramatic rise in immigration from Catholic countries. Through tracing the emergence of references to abortion in American fiction, it examines how this new interest in abortion politics coincided with an anxiety about whiteness in the United States and a renewed emphasis on the autonomous liberal citizen. Some of the key texts that concern rhetorics of choice and rights are Anthony Comstock's anti-abortion polemics; F. Scott Fitzgerald's *The Beautiful and Damned*, which fictionalizes Comstock's interests; Margaret Sanger's pro-birth-control and anti-abortion writings, particularly in *The Birth Control Review*; and selected popular novels from the early twentieth century that represent abortion. The second half of the dissertation focuses on the rhetoric of life in abortion politics and examines Edith Wharton's *Summer* in the context of World War I, William Faulkner's *The Wild Palms*, and Hannah Arendt's *The Human Condition.* Through these texts, *Genealogies of Abortion* questions how abortion came to be framed in its present terms by examining how abortion discourses were circulated through novels, periodicals, law, and public rhetoric in the early twentieth century, and how those conversations lead to our contemporary understanding of abortion rhetoric.

PREFACE

Abortion is a contentious issue in the United States. At times framed through moral questions, at times through feminist discourse, at times through both, there is no doubt that abortion occupies an important space in political, religious, and ethical American conversations. In part *Genealogies of Abortion* seeks to question *how* abortion came to be such an important political issue. Many of the chapters in this project began as presentations at various conferences. Invariably, either during the Q&A session after the presentation or through personal conversations after, audience members would ask me for an opinion on two popular movies about teenage and out-of-wedlock pregnancy, *Juno* (2007) and *Knocked Up* (2007), which were released during the writing of *Genealogies of Abortion.* What is noticeable about films such as *Juno* and *Knocked Up*, and more recently in the ABC serial drama *The Secret Life of the American Teenager*, and presumably why questions about the films were posed to me, is the absence of abortion as a viable option for the young women portrayed in the films and shows, who unexpectedly become pregnant and lack resources (and maturity in some cases) to successfully parent a child. This discomfort with abortion is not new to American media. From Lois Weber's 1916 silent film *Where Are My Children?*, which harshly condemned abortion, to the films that were produced under the Hays Code,[1] which explicitly prohibited any mention or depiction of abortion, popular media has often shied away from depicting abortion as a viable option. American literature, both before and after abortion's legality, has shown more willingness to present abortion as a practice women commonly use to end unwanted

[1] See chapter three, where I discuss the film *Kitty Foyle* that was produced when the Hays Code was in full effect.

pregnancies; however, this more positive representation, as I will show in some of the following chapters, was not always the case. Yet, despite the fact that abortion is currently legal in the United States, the one thread running through all cultural productions that depict abortion is a recognition that abortion is a contentious issue and practice, no matter what federal and state laws dictate about its accessibility.

Since I began this work in Fall 2004 for a paper that investigated abortion narratives in American autobiography, several important court cases about abortion have been decided and numerous news stories about abortion have been featured. In March 2006 South Dakota passed a law outlawing abortion, except in rare cases of rape. While the law has been subsequently overturned, the political climate surrounding abortion politics is still charged. More recently, in Gonzales v. Carhart the U.S. Supreme Court ruled to outlaw a form of abortion medically known as Dilation and Extraction, and now popularly referred to by the anti-abortion movement as "Partial-Birth Abortion." While the outlawing of this type of abortion did not make third trimester abortion illegal in the U.S., it did chip away at abortion's accessibility and more importantly, created an environment of fear for both pro-abortion activists and medical workers. Even presidential nominee and current secretary of state Hilary Clinton, historically a supporter of abortion rights, was quoted as saying, "I think abortion should remain legal, but it needs to be safe and rare. And I have spent many years now, as a private citizen, as first lady, and now as senator, trying to make it rare, trying to create the conditions where women had other choices."[2] In a speech she delivered to NARAL (the National Abortion Rights Action League) on January 22, 1999, she also explains, "I have never met anyone

[2] From the 2008 Democratic Compassion Forum at Messiah College, April 13, 2008.

who is pro-abortion. Being pro-choice is not being pro-abortion." Similarly, Judith Wilt, who has published the only "pro-choice" monograph on abortion in American literature, begins her work by stating that abortion is a "monstrous, a tyrannous, but a *necessary* freedom in a fallen world" (xii). Both Clinton and Wilt approach abortion as a necessary evil; both assume that the best approach to abortion is eliminating the conditions that cause women to seek ways to terminate their unwanted pregnancies or to prevent these accidental pregnancies.

This project refuses the assumption that abortion is a moral issue. Instead, through examining cultural productions that incorporate abortion politics in their plots and premises, I look at how abortion came to be morally viewed, instead of a medical practice that is not juridically or ethically inscribed. As the first chapter will describe in more detail, I chose early twentieth-century texts as the sites for my research because they represent the first time abortion appeared in literature. Therefore, by examining the moment when abortion is first represented in popular and literary productions, the project aims to trace a genealogy of abortion that might begin the work of revealing how abortion came to be viewed as such a taboo and touchy topic in our contemporary moment.

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I have several people to thank for their encouragement and support during my writing process because without them I'm not sure I would have been able to complete this dissertation so efficiently and enthusiastically. Foremost, David Reynolds, my dissertation chair, has been a generous and enthusiastic supporter. His encouragement and feedback always helped move this project forward. Steven Kruger, as a member of

my committee and as the Graduate Center's English Program's Executive Officer during most of my six years in the program, has always welcomed my questions and provided invaluable assistance. I thank him profusely for running the English Program so smoothly and graciously. Hildegard Hoeller, who agreed to join my committee midway through the process, has been generous and helpful with her detailed feedback and insightful readings. I also am especially thankful to David Kazanjian and Jamie Bianco, who continued to support and encourage me from other institutions. David Kazanjian has been immensely supportive through the various stages of writing; Jamie Bianco has been an enthusiastic supporter of this project, and she helped me work through some of my more difficult theoretical arguments. I owe a big thanks to both Patricia Clough and Anne Humpherys, who ran the Women's Studies Certificate Program during my six years at the Graduate Center. Patricia Clough's Conviction Seminar, in particular, first introduced me to many of the theoretical ideas that frame this project and to a community of scholars who are passionate about their political commitments and intellectual endeavors. Financially, this project was supported by the English Program's Alumni and Faculty Dissertation Fellowship, which exists because of continued support from alumni. I would also like to thank the Woodrow Wilson Women's Studies Fellowship Foundation for their financial support and recognition.

Mary Thompson and Jeannie Ludlow, who will publish a version of part of chapter three in their timely anthology *No Easy Choice: New Conversations in Abortion Politics* first approached me when this dissertation was in its early stages. Their interest motivated me to continue work on this topic. Additionally, a shortened version of chapter two will appear in *The National Women's Studies Association;* the editors and

anonymous reviewers of the journal were thoughtful and supportive in their suggestions for revisions, and my project in general owes a great debt to their readings.

My students, and particularly those who participated in my Spring 2008 Senior Seminar, Reproductive Racism and Pseudoscience, where many of the texts of this dissertation were read and discussed, deserve a heartfelt thanks. They gave me the opportunity to try out some of my arguments and to hear how the texts I put together had other lines of development. My working group, in its various incarnations including Jamie Skye Bianco, Rebekah Sheldon, Justin Rogers-Cooper, Robert Diaz, Una Chung, Jesse Schwartz, and Andrea Efthymiou, set deadlines, gave me feedback, and created a sense of community, which made the process of writing feel less alienating and lonely. I'd also like to particularly thank Rebekah Sheldon for our weekly theory meetings in the Spring and Summer of 2008, which were invaluable as both intellectual and psychic support. I'd also like to thank my longtime friend Olivia Debree, who volunteered to read my chapters "for fun" and gave me insight as to how my work reads to people outside the discipline. To end this long list, a significant thank you to Corey Frost, who gave so much to both this project and to me that there's nothing more I could say to express my gratitude.

TABLE OF CONTENTS

CHAPTER ONE

Introduction:
Genealogy, History, and Abortion

Genealogy

> *Genealogy is gray, meticulous, and patiently documentary. It operates on a field of entangled and confused parchments, on documents that have been scratched over and recopied many times.* –Michel Foucault, "Nietzsche, Genealogy, History"

Before the start of the twentieth century, abortion rarely figured as a central literary device in American literature. In 1914 Eugene O'Neill wrote "The Abortion," a one-act play that would never be performed in his lifetime and which was only rescued from extinction because the typescript was in the Library of Congress. The play conforms to popular conceptions of abortion at the time as it reveals that the death of a young working-class woman was the result of her illegal abortion. In response to her actions, the play's focal character, a successful young man about to graduate from a prestigious university, kills himself out of shame because of their love affair and its consequences. In 1916 director Lois Weber produced the silent film *Where are My Children?* which features a villainous abortionist, a reckless woman who has one abortion after another, and her husband who remains unaware of his wife's practice until the film's end, when in response he cries, "Where are my children?" Moments after his plea, we see an image of the unborn infants with angel wings ascending to heaven. The early twentieth century also saw the emergence of abortion in fiction. Edith Wharton's 1917 novel *Summer*—discussed in chapter four—is the first novel that explicitly mentions abortion and depicts an abortionist in the malevolent caricature of the time. In 1924 Dorothy Parker published

"Mr. Durant" in *American Mercury*, a popular literary journal that featured some of the most prominent early twentieth-century writers; the story describes a married middle-class man's idle affair that ends with his mistress' abortion. Three years later, Ernest Hemingway's 1927 short story "Hills Like White Elephants," first published in his collection *Men Without Women,* follows a conversation between an older man and his mistress as he attempts to convince her to obtain an illegal abortion. This short list covers only a small range of the literary works that appeared between 1900 and 1939 and mention abortion and abortionists.[3] This emergence of abortion as a key component of literary plots signals what Walter Benjamin has called a "flashpoint"—an historical moment where certain discourses coalesce in such a way that they point to the formation of new discursive forces. This project then asks: what happens in the U.S. in the early twentieth century that produces abortion as a central literary device? [4] And from this

[3] When I began my research the number of fictional works written before 1945 that incorporated an abortion or the possibility of an abortion in their plots surprised me. Some of the more canonical or recognized authors who include abortion are: Gertrude Stein's "The Good Anna" (1909) implies that a character operates an abortion clinic; Eugene O'Neill's plays "The Abortion" (1914) and *Strange Interlude* (1928); Edith Wharton's *Summer* (1917); F. Scott Fitzgerald's *The Beautiful and Damned* (1922); Edith Summers Kelley's *Weeds* (1923); Dorothy Parker's "Mr. Durant" (1924) and "Lady with a Lamp" (1932); Theodore Dreiser's *An American Tragedy* (1925)*;* John Dos Passos' *Manhattan Transfer* (1925); Ernest Hemingway's "Hills Like White Elephants" (1927); William Faulkner's *As I Lay Dying* (1930) and *The Wild Palms* (1939); Kay Boyle's *My Next Bride* (1934); Tess Slesinger's *The Unpossessed* (1934); Langston Hughes' "Cora Unashamed" (1936); and Lillian Smith's *Strange Fruit* (1944). By the mid- to late twentieth century the number of authors who incorporate abortion as a component of plot are far more numerous. As of yet, I have been unable to locate a pre-1900 novel that explicitly incorporates abortion as a central literary device.

[4] In literary studies, there have been relatively few examples of work that focuses on abortion in American literature. Several critics have published articles concerned with abortion in specific literary texts. See, for example, Barbara Johnson's well-known "Apostrophe, Animation, and Abortion." There are currently only two book-length works of literary criticism immediately concerned with abortion politics. The first is Judith Wilt's *Abortion, Choice, and Contemporary Fiction: The Armageddon of the Maternal Instinct* (1990). While Wilt provides some provocative readings of American texts post-1973, the terms in which she frames abortion are never questioned. Wilt is consciously constructing a feminist work, yet she often slips into reifying essentialist ideologies of what constitutes the "feminine" or "motherhood." Ultimately, Wilt's

speculation a more central question arises: how does the visibility of abortion in literary productions indicate a shift—an *Entstehung*—in circulating discourses about bodies, femininity, reproduction, life, choice, and liberalism?

Genealogies of Abortion is in part a historiographical examination of these emergent discourses through the methodologies of historical materialism and genealogy. Benjamin critiques historicism by arguing that it looks at history as an enclosed series of causal events, excluding those that are inconvenient for its narrative. Instead, Benjamin proposes historical materialism, which studies flashpoints of history, as opportunities to capture and crystallize events that run contrary to the narratives of established history. This methodology doesn't mean seizing upon a moment to display it "as it really was" but trying to study a moment that might rub contrary to the narrative that the present holds for itself (what he calls: "to brush history against the grain"). Similarly, Michel Foucault argues that genealogy works "to discover that truth or being do not lie at the root of what we know and what we are, but the exteriority of accidents" (146). In other words, genealogy uncovers the faults, fissures, and heterogeneous layers of history; it shatters the myths of foundations. Foucault warns against seeing *Entstehung*—emergence—as the final point of any historical trajectory. Instead genealogy looks at the process and particularly at the play of power in the emergence; thus emergence occurs in the interstice—in the process of the conflict becoming.

This theoretical introduction leads to some central questions for this project: What

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work is most concerned with abortion as trope for loss in the fiction she studies. The other book-length study on abortion in American literature is Jeff Koloze's *An Ethical Analysis of the Portrayal of Abortion in American Fiction* (2005). Koloze is explicitly, in his words, "pro-life," and this work is a meditation on the ethics of abortion as represented in American literature viewed through the author's polemical lens. Beth Capo's recent *Textual Contraception: Birth Control and Modern American Fiction* (2007) usefully presents a comprehensive archive of American fiction that explicitly depict forms of birth control, including abortion.

does examining the discursive genealogy of abortion reveal about *how* abortion came to be framed through rights-based arguments (either for the woman or the fetus)? And what does this same genealogical investigation reveal about *how* anti-abortionists have come to place such an importance on life? Importantly, these questions are focused on *how* rather than *why* as a way to position this investigation as genealogical; these questions don't seek to uncover truths or origins but to expose how we take for granted the ethical frameworks used to frame abortion controversies. While abortion was stigmatized in the mid-nineteenth century, it was legal in most states until women reached quickening (the moment when the woman could feel the fetus move). In the 1860s and 1870s, however, movements led by social reformers and the American Medical Association began a campaign to completely outlaw abortion, state by state. By 1900 every single state had a law criminalizing abortion. This project takes this moment as its starting point to think about what forces came together at this intersection to turn abortion into one of the most controversial topics in the U.S. today. In this sense, my work on abortion in early twentieth-century America will contribute to the growing body of scholarship that seeks to understand abortion beyond the terms of life and choice in which it is currently framed. Thus it will look at different flashpoints in American literary history that expose how abortion ethics and practices complicate what we mean by "life," "choice," and "rights." Following a genealogical method, *Genealogies of Abortion* seeks to trace how abortion politics evolved into its contemporary discursive framework and what in its history has been erased or written over in order to sediment it in the terms through which it is most commonly framed today. By arguing that abortion is subtended by the race/reproduction bind I have no intention of providing a definitive history or uncovering of abortion

politics. Instead, this project intends to sketch an alternate narrative that presents the discourses of abortion politics as grayed and scratched over parchments. Today when we look at these parchments, most apparent is the framing of abortion within the discourses of life and choice. However, interwoven in the layers of markings is another story, one that traces life and choice to anxieties about maintaining whiteness and curtailing any threats to sovereignty—either real or imagined. Important to the distinction I make here between definitive histories/ circumscribed discourses and genealogies of abortion is Wendy Brown's analysis of gendered power. She suggests that rather than take identity as a capsule for investigation, we look at how "particular modes of gendered *power* may be named and traced with some precision at a relatively general level" (166), while at the same time recognizing that this power is "protean, porous, and culturally and historically specific" (167). Similarly, this project aims to examine the forces that shaped abortion discourse, recognizing that these forces are variable and shifting, rather than building toward a new "identity" for abortion politics.

Following this methodology, *Genealogies of Abortion* will be divided into two parts: *Choice* and *Life*: The first section, *Choice*, focuses on the critique of rights-based law, liberal constructions of individualism, and it articulates a way to think about how choice functions, or how we think of it as functioning, within biopolitics, that is, the management of life through various regimentations. Since Roe v. Wade, the 1973 Supreme Court case that made abortion legal in the U.S., pro-abortion activists have framed their support of abortion through the rhetoric of rights and choice, in part because Justice Harry Blackmun presented the court's decision within this language.[5] However,

[5] Justice Blackmun's written opinion in Roe v. Wade expressed that abortion should be legal on the basis of the right to privacy.

as the last thirty plus years of abortion-related court cases have demonstrated, "choice" is a slippery term. On the one hand, some anti-abortion activists have begun rallying for the "choice" of the fetus to survive, and on the other hand, some state judges have argued that people under the age of sixteen are still children and cannot be given sole responsibility to make the choice of abortion, thereby instituting parental consent laws.[6] Chapter two examines the complicated nature of choice, and its sister concept rights, in more depth. It also exposes how underlying the rhetoric of choice are biopolitical discourses of responsibilization that are built on a racialized model of the nuclear family and that strive to stabilize and maintain this normative construction. In particular, I study this discourse through looking at its emergence in the rhetoric of moral reformer Anthony Comstock and birth control activist Margaret Sanger. I ultimately argue that their seemingly oppositional discourses from the early twentieth century expose the problematic nature of contemporary rights-based pro-abortion laws.

The second section, *Life*, will pick up what Giorgio Agamben calls "bare life," or life outside the law, as a way to complicate how life is constructed as a seemingly stable subject through law. However, in using the term "life," the two chapters in this section explicitly aim to complicate an understanding of life, particularly in its genealogically connection to how current-day "pro-life," or anti-abortion, activists use the term. Life, as generally defined by anti-abortion activists, has both theological and biological connotations. Present in the way the position is described is usually the implication that life begins at conception—the moment in which an embryo is formed—and that to

[6] The 1992 Supreme Court case, Planned Parenthood v. Casey, is an example of how responsibilization plays a role in rights-based arguments. The case upheld laws that mandated a twenty-four waiting period after a woman decided to have an abortion and laws that demanded that women need spousal consent to have an abortion if married or parental consent if under the age of sixteen.

destroy any form of human life constitutes a moral violation under Christian codes.[7] Yet the two chapters in this section aim to demonstrate that constructions of life are always imbricated in sovereignty and the rule of law, and that a genealogical investigation of abortion begins to unravel pro-life rhetoric that upholds the sacredness of life. For what the latter chapters argue is precisely that life under the state of exception is sacred only as *Homo Sacer*—life that can be killed but not sacrificed—and that anti-abortion configurations of embryonic life as sacrosanct must be invested in maintaining the exception as rule.

Nathan Stormer's *Articulating Life's Memory: U.S. Medical Rhetoric about Abortion in the Nineteenth Century* has particularly influenced this work through its theorizations of how Focauldian biopolitics shape the ways in which anti-abortion politics places an importance on life. Stormer's work argues against abortion rhetoric that is grounded in individualism. Instead he suggests, "we can widen our focus from how the 'individual' is created biomedically within normalizing institutions and begin to appreciate *how institutions are dependent on normalized bodies as sources of living memory*" (150). As Stormer's italicized words emphasize, his work is particularly invested in biopolitical constructions of life that are embedded in genealogical memory. His work asks how bodies and forms of livingness are formed through memory and intentional forgetfulness; or how, as Nietzsche puts it, forgetting "is an active and in the strictest sense positive faculty of repression." In other words, Stormer is interested in how discourses of abortion work to implant and cultivate bodily difference (difference between men and women; between whites and blacks; between poor and rich), and how

[7] I single out Christianity here because the majority of American anti-abortion activists identify as Christian.

these discourses become normalized and sedimented through "the positive faculty of repression." As this cursory summary suggests, Stormer's work is particularly interested in constructions of life—and their relations to gender and race—in abortion rhetoric. Yet, many of the frameworks he establishes, especially through his employment of a biopolitical lens, prove useful for a deconstructive critique of the discourses of life *and* choice.

Stormer's argument begins and ends by critiquing individualism and contemporary abortion rhetoric's investment in life as always an individualist construction. This understanding of life is actually at the foundation of current anti- *and* pro-abortion politics, as they both maintain that what is at stake in abortion is the *individual* freedom of either the woman or fetus. My aim in *Genealogies of Abortion* is to study this individualizing foundation of contemporary abortion politics and to thus deconstruct the politics of life and choice to demonstrate how they are intimately bound in each other and to an American liberalism that upholds individual freedom and individual rights over all. This project will often invoke what I call the protectionist ethics of liberalism, which emerged from the Scottish Enlightenment. In John Locke's *Two Treatises on Government* several key tenents of the Enlightenment, particularly as it influenced American politics, crystallize. As Locke argues, "The *natural* liberty of man is to be free from any superior power on earth, and not to be under the will or legislative authority of man, but to have only the law of nature for his rule" (17).[8] Locke points out

[8] The opening lines of the American Declaration of Independence state, "When in the course of human Events, it becomes necessary for one People to dissolve the Political Bands which have connected them with another, and to assume among the Powers of the Earth, the separate and equal Station to which the Laws of Nature and of Nature's God entitle them, a decent Respect to the Opinions of Mankind requires that they should declare the causes which impel them to the

that key to what has become known as liberalism is that 1) rights and freedom are natural and furthermore that 2) we are entitled to live within this state of natural law. What is implicit in this excerpt and in his "Second Treatise of Government," from which this excerpt is taken, is that these rights are natural because in a state of nature man lives as an individual *until* he enters the law—willingly—through the social contract. Thus what Locke assumes, an assumption that is also crucially assumed by liberalism, is that the primary and most basic building block of human society is the individual.

The critique of liberalism, which subtends this project, is heavily indebted to Wendy Brown's *States of Injury.* Brown's project demonstrates a fundamental paradox within liberalism: while it advances the cause of the individual and *his* natural rights, it also places primary importance on the familial unit and a gendered division of labor. Key to Brown's understanding of liberalism is a point that is also assumed by *Genealogies of Abortion*:

> Liberalism is a nonsystematic and porous doctrine subject to historical change and local variation. However, insofar as liberalism takes its definitional shape from an ensemble of relatively abstract ontological and political claims, it is also possible to speak of liberalism in a generic fashion, unnuanced by time or cultural inflection. Indeed, my argument transpires at a level of historical or intellectual generalization with which no single liberal culture or epoch, and no single liberal thinker, could be aligned…. taking a leaf from liberal thinking itself to theorize about politics in a mythological and ahistorical space and time, the argument proceeds by assuming liberalism to be a contemporary cultural text we inhabit, a

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Separation." As has often been noted, this language unequivocally echoes Locke's formulation of freedom, rights, and individualism—key tenents of liberalism.

discourse whose terms are "ordinary" to a very contemporary "us." (142)

The configuration of liberalism as transcending chronology and culture also underpins the claims of this project, particularly in the most direct critique of liberalism in chapter two. Yet *Genealogies of Abortion* is particularly interested in the space of the United States and how liberalism permeates its discourses and binds even the seemingly starkest of oppositions such as pro-life and pro-choice supporters. Furthermore, the argument here is more than just understanding how the underlying ideologies of these camps are rooted in individualism and rights-based discourses—for it could be easily argued that pro-lifers intentionally adopted the language of rights and human individualism to expose the slipperiness of their opposition's language. What *Abortion Genealogies* contends is that using liberalism as a basis for securing access to abortion (or any other "right") ensures the exclusion of some other marginalized group. As Brown suggests, "the gendered terms of liberal discourse solicit the production of a bourgeois feminism that emancipates *certain* women to participate in the terms of masculinist justice without emancipating gender as such from those terms" (164, *italics mine*). In other words, *certain* woman might have the right to abortion if they can afford the procedure, if they can obtain permission from a spouse, if they can wait twenty-four hours for the procedure. Similarly, by claiming the individuality of the fetus and its *right* to life, the rights of the woman carrying the pregnancy must be elided. Liberalism thus serves to protect and shield, but its protection is premised on recognizing only certain forms of life and only under certain conditions. It is therefore no surprise that the technologies of biopolitics and liberalism go hand in hand.

The Biopolitics of Abortion

> *Shall [the West and the South] be filled by our own children or by those of aliens? This is a question our women must answer; upon their loins depends the future destiny of the nation. —Dr. Horatio R. Storer* (1868)

The four chapters that follow this introduction will draw on the rich and relatively recent histories of American abortion practice; however, the intent of this project is not to tell the history of abortion nor to engage in discourses that currently frame the controversy.[9] Instead, the aim of this work is to demonstrate how biopolitical liberalism configures abortion politics and inflects the language of both "choice" and "life." Through studying cultural productions from the early twentieth century, from novels, short stories, essays, and periodicals, I genealogically trace the controversy around abortion to demonstrate the chiasmic structure of "choice" and "life." Imbricated in this argument is the way in which race and racism are used to demarcate populations *and* construct individual difference. Thus *Genealogies of Abortion* builds on arguments made

[9] For histories of abortion regulation in the United States, see James Mohr's *Abortion in America,* Leslie J. Reagan's *When Abortion was a Crime,* Janet Farrell Brodie's *Contraception and Abortion in 19th-Century America* Caroll Smith-Rosenberg's "The Abortion Movement and the AMA, 1850-1880" in *Disorderly Conduct,* Nicola Beisel and Tamara Kay's "Abortion, Race, and Gender in Nineteenth-Century America," Linda Gordon's *Woman's Body, Woman's Right: Birth Control in America,* Kristin Luker's *Abortion and the Politics of Motherhood,* Dorothy Roberts' *Killing the Black Body: Race, Reproduction, and the Meaning of Liberty,* Rickie Solinger's *Wake Up Little Susie: Single Pregnancy and Race Before Roe v. Wade*, and Johanna Schoen's *Choice & Coercion: Birth Control, Sterilization, and Abortion in Public Health.* For works that focus on a critique of abortion discourse, see Rosalind Petchesky's *Abortion and Woman's Choice: The State, Sexuality, and Reproductive Freedom,* Mary Poovey's "The Abortion Question and the Death of Man," Drucilla Cornell's *The Imaginary Domain: Abortion, Pornography, and Sexual Harassment*, Rickie Solinger's *Beggars and Choosers: How the Politics of Choice Shapes Adoption, Abortion, and Welfare in the United States,* and Nathan Stormer's *Articulating Life's Memory.* The distinction I make here between histories and discursive critiques is somewhat superficial as many of these works implicitly contain both. Yet I've separated them according to the primary way in which the work positions itself.

by other histories of abortion regulation in the U.S. that have shown how eugenic fears were employed by nineteenth-century anti-abortion activists to encourage white middle-class women to reproduce and support the outlawing of abortion. Sociologists Nicola Beisel's and Tamara Kay's[10] "Abortion, Race, and Gender in Nineteenth Century America" (2004) provides an important sustained discussion of how emerging anti-abortion laws were entrenched in anxieties about whiteness and who constitutes the American citizen.[11] Their work primarily looks at the influx of Irish immigrants around the turn of the century to argue that anxieties about maintaining a predominantly Anglo-Saxon American citizenry led to the outlawing of abortion in the late nineteenth century. Additionally, Leslie J. Reagan in her important historical examination of the years when abortion was a crime (1867-1973) begins by suggesting this same argument. She documents how, "Antiabortion activists pointed out that immigrant families, many of them Catholic, were larger and would soon outpopulate native-born white Yankees and threaten their political power" (11). A little later in her introduction she adds, "Regular physicians won passage of new criminal abortion laws because their campaign appealed to a set of fears of white, native-born, male elites about losing political power to Catholic immigrants and to women" (13). However, this line of thought linking the outlawing of abortion to race is never brought up again in the text as she focuses more on the implications of the anti-abortion laws, particularly in Chicago. Similarly, historians of

[10] See Beisel and Kay's "Abortion, Race, and Gender in Nineteenth-Century America" for a review of how race has been discussed by historians of abortion practice in the U.S. While Beisel's and Kay's literature review is quite comprehensive, they overlook Nathan Stormer's *Articulating Life's Memory*, which was published two years prior to their article and is the only monograph on American abortion politics that commits several chapters to the racist and eugenic beginnings of American anti-abortion laws.

[11] For a fuller discussion of their work and how it differs from this project, please see chapter three.

abortion, including James Mohr, Linda Gordon, and Caroll Smith-Rosenberg, briefly comment on the link between abortion and eugenic epistemologies, but never fully develop the significance of anti-abortion regulation and racial demarcations.[12] Taking an approach closer to my own, Stormer's work, discussed previously in this chapter, focuses on how eugenic discourse in abortion politics works through biopolitical technologies that are closely tied to formation of memory about what constitutes "normal" bodies. Reviewing several of the historians mentioned above, Stormer notes, "These explanations have significant merit; however, they underemphasize the decided presence of the biopolitics of abortion and the rhetoric of physicians' practices in the service of such politics" (23). His emphasis on the role of Foucauldian biopolitics is key for understanding how life is managed through the production of reproductive norms. Yet what must also be added to this formulation is a theory for how life is constituted, and more importantly, how the law grants certain life legibility through the exclusion of others. In broader terms then, this project seeks to expand how we might think of the biopolitics of abortion through a tinkering with Foucault's formulation of its mechanisms.

The concept of biopolitics, or biopower, was first introduced by Michel Foucault in his 1975-1976 (*Society Must Be Defended*) lectures and in *The History of Sexuality.*[13] For Foucault, biopolitics involves the management of populations through gathering knowledge about human life as a means to organize it, hierarchize it, and control it. Biopolitics begins the moment that sovereignty is more concerned with deciding who will be allowed to live than determining who must die. Discourse plays a key part in this different understanding of power as it both distributes and creates knowledge, which in

[12] See James Mohr's *Abortion in America,* Linda Gordon's *Woman's Body, Woman's Right,* and Caroll Smith-Rosenberg's "The Abortion Movement and the AMA, 1850-1880."
[13] In French, *La Volonté de savoir* was first published in 1978.

turn constructs norms. Foucault's emphasis on the workings of discourse is important to understanding his move away from understanding power as primarily inscribed in the juridical. Chapters one and two are indebted to this theorization of biopolitics as they argue that both concepts of "choice" and "rights" form out of biopolitical regimes that work to inculcate individuals into a philosophy of responsibilization. However, this critique of liberal management is also tied to how biopolitics carves out populations and works on the level of population to control, regularize, and institute norms. Key to this point is my argument that the outlawing of abortion stems from the biopolitical management of bodies that become racialized and gendered according to the norms of a Post-Reconstruction United States. Yet, as the latter two chapters of this project attest, biopolitics is a loaded term, and its adoption by other political theorists and philosophers has made it almost unrecognizable in some contexts.

In *Homo Sacer* Giorgio Agamben picks up the term biopolitics and argues that its ultimate fruition can be seen in the camp—and in his prime example the concentration camps of Nazi Germany. Key to Agamben's conception of biopolitics is that it "is the original activity of sovereign power" (6). This understanding of biopower differs significantly from Foucault's formulation in which the emergence of biopolitics is tied to the emergence of the liberal (Western European and American) state in the eighteenth and nineteenth centuries. For Agamben, modern politics has only more explicitly revealed the bind between sovereign power and biopolitics because of the rise of fascism in the early twentieth century and the concentration camp. Additionally, entering into Agamben's discussion is the figure of bare life, which crucially subtends Agamben's understanding of biopolitics and which only marginally exists in Foucault's writings. The

concept of bare life comes from Aristotle's distinction between *bios*—a qualified life that is recognized by the law and that has full protection under that law—and *zoe*—a life that is stripped to the mere biological functions of living.[14] While bare life resembles *zoe*, it is also a more complicated conception of *zoe* because what distinguishes a biopolitical state is that it has brought *zoe* into its political sphere while at the same excluding it from full recognition within that sphere. Thus Agamben maintains that bare life exists in a state of inclusionary exclusion; sovereignty rests on both a recognition of bare life in order to point to qualified life, while at the same time insisting that bare life cannot have full political participation and protection. It is then through this political negotiation that all human life is managed and brought to the precarious position of potentially existing between *zoe* and *bios.* And it is through this negotiation that the sovereign exception is also made into the rule of law; because bare life both threatens sovereignty but also subtends that sovereignty, the state of emergency becomes the rule of law. In this way life and law become bound together so that the processes of normalization that Foucault described as integral in his conception of biopolitics are no longer at work. Instead it is the exception that regulates and controls and exposes us all to the risk of bare life. Chapters four and five take up this concept of bare life in biopolitics to both continue Agamben's argument that the camp resonates in liberal democracies as the model for sovereignty, but also to bind the figure of bare life in early twentieth-century America to formations of capitalism and race, both of which I argue are necessary for understanding anti-abortion discourses that link outlawing the practice to defending the sacredness of life. Instead these chapters question how life is constructed and defined and suggest that "life" can neither be seen as solely a biological or theological construct, but must be

[14] See Aristotle's *Niomachean Ethics, Eudemian Ethics,* and *Politics.*

recognized as implicated in the political structures that sustain sovereignty.

As alluded to earlier in this chapter, the biopolitics of Agamben and Foucault are not irreconcilable. While life, and particularly species life, is a central figure in Foucauldian biopolitics,[15] it is life that has already been brought into the law and subject to the processes of normalization and responsibilization. Foucault recognizes that this life, like all life, is precarious because it is still subject to the will of sovereignty, which decides who has the right to live—a right that must be understood as not only the right to "livingness," encompassed by such things as the capacity for breathing and consuming, but also the right to be recognized as legible under the law. It is here then that Agambian biopolitics elucidates what happens when life is excluded from the law, or placed in the precarious position of inclusive exclusivity. Agambian biopolitics teaches us that being allowed to live life according to the norm is a privilege and that only once life has been brought into the law does it adhere to the codes of normalization. Hannah Arendt's theorization of biopolitics, which she calls the *bios politikos* after the Aristotelian use of term, has been relatively overlooked in discussions of biopolitics, but crucially subtends this project and the ways in which it sees the two versions of biopolitics as bound together.[16] Arendt demonstrates, through a reading of Aristotle, that the *bios politikos* was explicitly concerned only with *bios* as a form of life, and furthermore, *bios* excluded all those who labored because they did not "possess sufficient dignity" (*HC* 13). Arendt likens this political moment to the modern condition through carefully arguing that with the development of capitalism and the erosion of the public sphere—a demise she explicitly connects to our contemporary moment's valorization of the individual and

[15] Although I argue that Foucault's and Agamben's articulations of biopolitics can be understood as the same biopolitics, I separate them here for the sake of the argument's clarity.
[16] See chapter five for more on Arendt and biopolitics.

family—we have all been stripped of *bios* as we have become laborers and nothing else. And the trap of laboring is that work no longer has value. We produce in order to consume and we consume in order to produce; the cycle is endless with no gaps for appreciating either act in the cycle except for how it will fuel the cycle. Thus Arendt, writing several decades before Foucault and Agamben, already sees us as existing in the precarious space between normalization and bare life. Through the technologies of biopolitics we have been disciplined into liberalism's norms to value our individuality over all, and yet it is precisely this individualism that has trapped us in a cycle of laboring that brings us to the brink of bare life. Thus whether we see biopolitics as regulating bare life, norms, labor, or population, it works coherently as a system that ensures the accumulation of capital and the continuation of liberalism's ethics. My reading in the following section will perform the ways in which this happens.

The Ways of Regulating White Folks

> *There are many good people who are denied the supreme blessing of children… But the man or woman who deliberately foregoes these blessings, whether from viciousness, coldness, shallow-heartedness, self-indulgence, or mere failure to appreciate aright the difference between the all-important and the unimportant,—why, such a creature merits contempt as hearty as any visited upon the soldier who runs away in battle, or upon the man who refuses to work for the support of those dependent upon him, and who tho able-bodied is yet content to eat in idleness the bread which others provide.*— Theodore Roosevelt[17]

"Cora Unashamed," Langston Hughes' short story, first published in 1936 in his collection *The Ways of White Folks,* is focalized through Cora Jenkins, the eponymous

[17] From a 1905 speech delivered before the National Congress of Mothers.

protagonist, who is a black woman in a predominantly white Southern town. [18] Cora works for the Studevants, a white family that "treats her like a dog" (33), and in a post-slavery era the Studevants "thought they owned her, and they were probably right: they did" (34). When Cora's illegitimate daughter dies of whooping cough, she develops a strong bond with Jessie, the Studevants' youngest daughter, who was born the same year as her own daughter. And when Cora learns of Jessie's pregnancy—a consequence of her pre-marital love affair with a newly immigrated Greek man—she is the only character who believes that Jessie has nothing to be ashamed of. Cora insists to Jessie's mother that it's "No trouble having a baby you want. I had one" (40). But Mrs. Art Studevant orders her to shut up and shuts Cora out from Jessie's life: Jessie is not a poor black woman, but a white woman from a wealthy and recognized family, and wanting a baby is not enough reason to have one out of marriage. Although Jessie's boyfriend is willing to marry her, the narration informs, "Mrs. Art had ambitions which didn't include the likes of Greek ice-cream makers' sons" (41). And although Cora reassures Jessie that "there ain't no reason why you can't marry…you both white. Even if he is a foreigner, he's a right nice boy" (41), Willie Matsoulos, the Greek boy, is not quite white enough for Jessie's mother. Instead Mrs. Art arranges a visit to Kansas City, presumably for an Easter shopping trip, but when they return, Jessie is no longer pregnant. A few days later, Jessie dies. Soon after her death Willie Matsoulos and his family are forced to leave town because Mrs. Studevant begins a campaign "to rid the town of objectionable tradespeople and questionable characters" (42). And as Mrs. Studevant convinced her Woman's Club that Matsoulos had been selling tainted ice cream, they are classified amongst the

[18] Surprisingly, little has been written in peer-reviewed publications about this short story. In 2000, PBS produced a made for TV movie based on the story, which is its most lasting claim to fame.

objectionable and questionable.

Hughes' story nicely demonstrates an important claim of this project: a key reason why abortion restrictions emerged in the late nineteenth century is tied to disciplining middle- and upper-class white women not to reproduce with black and immigrant men—in other words, men who were not considered white or white enough. In "Cora Unashamed," Jessie's abortion holds no disciplining power over Cora. In fact, it has the opposite effect; during Jessie's funeral, Cora is so traumatized by her death and its tragic circumstances that she condemns Jessie's family and names the cause of Jessie's death. Even if everyone in the town of Melton knew why Jessie died, no white person would have dared to speak it in public. Mrs. Studevant explains her daughter's illness when they returned from Kansas City as a bad case of indigestion and her neighbors quietly accept this explanation. Cora, however, as the story's title suggests, refuses to feel shame. She is unashamed by her own illegitimate pregnancy, by Jessie's pre-marital love affair, and even at the end by what led to Jessie's death. Ultimately, this lack of shame is what causes her to lose her position in the Studevant home as she shames them in public.

However, it is ultimately not Cora who performs the shaming. When Mrs. Studevant begins the process of forcing the Greek immigrant family from her town, she makes clear what she finds so terrifying about her daughter's pregnancy. Marriages brought upon by unintended pregnancies were not uncommon in the early twentieth century. And while there may have been talk about why a child came less than nine months after the wedding, the child would still be given "legitimate" status in the eyes of the community. Yet for Mrs. Art the pregnancy and marriage were threatening not because they suggested that her daughter was engaging in pre-marital sex but because it

signified a destabilization of racial and class boundaries. By forcing her daughter to have an abortion she attempts to reify her status quo and what she sees as the impermeable lines of her social position. However, what the story demonstrates is how the outlawing of abortion in the late nineteenth century effectively demonized the practice as something "bad" girls do—girls who engage in illicit sexual practices with the wrong kinds of boys. Thus it works to discipline women into normative sexual practices by positioning them against women like Jessie.

However, the story does more. Even as it demonstrates the powerful disciplining forces of biopolitics on the white population in the story, it also reveals the privilege of being allowed into the norm. For Cora and her parents, as the only black family in town, have to live on "the edge of Melton," known to the community as "the Jenkins niggers" and they just "manage to get along" (44). Cora is not quite subject to the disciplining forces of her society, a point emphasized when she learns of her pregnancy: "Cora didn't go anywhere to have her child. Nor try to hide it… There were no Negroes in Melton to gossip, and she didn't care what the white people said. They were in another world" (36). Quite literally living in the margins of her society, Cora is almost—but not quite—outside the confines of disciplinary law. Importantly, because Melton does not have a population of African Americans, she cannot be subject to their codes of normalization, and so she lives in an in-between sort of life—not quite legible and yet not quite bare. The price she pays for this condition is the price of laboring: "There was something about the teeth in the trap of economic circumstances that kept her in their power practically all her life—in the Studevant kitchen, cooking; in the Studevant parlor, sweeping; in the Studevant backyard, hanging clothes" (34). Like Arendt's model of society in ancient

Greece, Cora is excluded from *bios* because she exists under the suffocating and endless conditions of labor. Her laboring can only produce more labor and more opportunities for consumption. However, the story has an interesting twist, and one that is key for the overall argument of *Genealogies of Abortion*: the Studevants are also trapped in a mirroring cycle of labor. Even as their white bodies provide them legibility through the law, they must also labor—literally through the labor women's bodies endure during childbirth—to ensure that their whiteness is maintained so that their bodies can cling on to that legibility. And it is precisely this precarious cycle (precarious because it can be unhitched with such a small shove) that positions them not far from Cora's edge.

As Alys Eve Weinbaum eloquently explains, focusing on the period shortly after the end of the Civil War: "[A]lthough miscegenation law again stabilized the holdings of white property owners, this time rather than ensuring that a mother's blackness rendered her children salable (like her own body), the legal apparatus attended to the complicated task of investing white blood with value—rendering whiteness a rare inalienable commodity—and then arresting its circulation in the body politic" (20). While Weinbaum doesn't specify the technologies through which whiteness becomes a scarce commodity (or on the threshold of a real or imagined scarcity), by prohibiting abortion and setting limits on women's reproductive options, and particularly white women's options, "white blood" is imbued with value—as something that cannot be lost or let loose, that must be contained and managed because it is now precious and under threat of contamination. This point is key to the theoretical investigations of *Genealogies of Abortion*, which seeks to understand how race and reproduction are always tied together in abortion politics. "Cora Unashamed" actually inverses the race/reproduction bind's connection to abortion

politics because it implicitly works to critique white anxiety of interracial mixing. While the story could be read as anti-abortion—Jessie dies of the abortion her racist mother forced her to have—it could also be read as critiquing the ways in which white women are disciplined not to reproduce with "non-white" men. Thus it also critiques the normalizing mechanisms of biopolitics. However, by generating this critique, it points to how imbuing white blood with value adheres to liberal values of individualism as it gives rise to an identity politics founded on racial difference. Mrs. Art Studevant forces her daughter to have an abortion because she must maintain the demarcation between whites and foreigners, which upholds her own individualized and privileged identity as a white woman.

In a related line of argument, Cheryl Harris argues that in the era after the Civil War whiteness became a form of property as a means to protect it and distinguish its status from other racialized identities. In her carefully argued and historically documented essay, she traces how the institution of slavery first laid the ground for the emergence of whiteness as property. She states:

> In the form adopted in the United States, slavery made human beings market-alienable and in doing so, subjected human life and personhood—that which is most valuable—to the ultimate devaluation. Because whites could not be enslaved or held as slaves, the racial line between white and Black was extremely critical; it became a line of protection and demarcation from the potential threat of commodification, and it determined the allocation of the benefits and burdens of this form of property. (1721)

Thus once slavery was abolished in the United States, this racial line that defined which

bodies could be legally commodified was dismantled. However, Harris argues that in its place whiteness was turned into a sacrosanct possession and given the same status as property—the right to which was one of the most protected laws in the United States. Following this argument, a central claim of this project is that abortion became outlawed in the United States as a reaction to the shifting racial demographics of the nation. If whiteness was a form of property, then laws needed to be constructed to protect this new form of ownership. As the epigraph to the previous section demonstrates—a sentiment that will be echoed by many writers discussed in this work—women's bodies, and especially white women's bodies, were seen as in need of protection and control because they determined the inheritance of whiteness and the maintenance of its legitimacy and purity. Thus by passing anti-abortion laws, laws that were primarily aimed at regulating white women, these women were disciplined into viewing their bodies as national vessels of reproduction and believing that disrupting this process was a crime against the nation-state and their race.[19] And worse, by not adhering to national discourse that mandated what was reproductively permissible, they would commit a crime against their own bodies as they risk being banished as bare life. Through this logic, Jessie's crime in Cora Unashamed" is not that she had an abortion, but that she refused to be disciplined by the regulatory mechanisms of early twentieth-century America that would have prevented her illegitimate pregnancy with a foreigner.

In *Wayward Reproductions*, Weinbaum brilliantly articulates a connection between race and reproduction precisely because once she describes this bind, the

[19] James Mohr, in one of the first histories of abortion regulation in the United States also argue that in a span of less than fifty years, from its outlawing in the late nineteenth century to the early twentieth century, abortion was villainized as working-class practice. He also suggests that many elite white women began associating abortion as only sought by non-white and poor women. See chapter four for more discussion of Mohr's argument.

theorization feels like an intuitive and crucial understanding of both race and reproduction. She argues, explaining the word "bind" in her formulation of the race/reproduction bind, "In this signal term the word 'bind' expresses the inextricability of the connection between race and reproduction—the fact that these phenomena ought not to be thought of as distinct, though they have all too often been analytically separated" (5). She proceeds to explain that her project will examine how this bind underpins several "canonical" texts in transatlantic modernism. Yet her project also explicitly calls for new work that begins thinking about how knowledge production is oriented through the race/reproduction bind (6). Her call is what this project responds to as it examines how the production of knowledge about abortion politics, knowledge that unquestionably addresses reproduction, is also inescapably bound to constructions of race. And like Weinbaum, I argue that all too often the imbrication of this bind in abortion politics from the early twentieth century and onward has been ignored because the discourses of life and choice, which frame its discussions today, elide how abortion politics are subtended by the bind. Yet, as Weinbaum adds, "when genealogy's entanglement within the race/reproduction bind is turned against itself and set to work…it can be used to expose and then undo the destructive interdependence of the racial and reproductive dimensions of transatlantic modern thought" (59). In this vein, this project also seeks to expose the race/reproduction bind in twentieth- and twenty-first-century abortion politics in hopes that by doing so readers will question the terms in which abortion has been framed as a controversy and perhaps finally release the politicization of abortion from its bind in racist and racializing discourses. While the work that follows rarely explicitly addresses contemporary fictional texts, I hope that my arguments about

abortion in early twentieth-century cultural productions will help frame contemporary discussions in new ways. As the summary of the following chapters attest, *Genealogies of Abortion* theorizes race as always constructed through biopolitical technologies. Race demarcates, assigns, hierarchizes, and ranks—to name just a few of its biopolitical functions. The texts described in the following chapters were chosen because they signal various shifts in discursive flows. They pick up on racial demarcations; they circulate eugenic epistemologies; they produce reproductive norms. They can be seen as flashpoints that either consolidate or disperse discourses of abortion that expose how life and choice are bound in each other, in liberalism, and in the race/reproduction bind.

And to answer a final and crucial question: why novels? To quote the realist writer William Dean Howells, who was paraphrasing the British cultural critic Vernon Lee, "The modern human being has been largely fashioned by those who has written about him, and most of all by the novelist" (qtd. in Kaplan 19).[20] In other words, literature, and novels in particular, are key sites for investigating the rhetoric of abortion because they both subjectivized their early twentieth-century audiences as well as reflected the circulating discourses of the time. In chapter three I discuss this idea further through an analysis of popular novels and their readers.

Choice

Chapter two begins with a discussion of rights discourse to locate the project's critique of both rights and choice. It aims to construct a genealogy between the current discussions on rights and choice and the politics that were circulating in the early

[20] Vernon Lee was the pseudonym of the late nineteenth- early twentieth -century writer Violet Paget, who wrote expansively on the impact of literature on its audience.

twentieth century. Thus it takes up F. Scott Fitzgerald's *The Beautiful and Damned*, which is in conversation with eugenicist claims and anxieties about whiteness that were very present in the early twentieth century. The novel also contains a fictionalization of Anthony Comstock, an important moral reformer and anti-abortionist whose work traces back to the late nineteenth century. This chapter places him in conversation with Margaret Sanger, birth control activist and founder of Planned Parenthood. While Sanger's and Comstock's work appears to be oppositional, one of the aims of this chapter is to deconstruct this opposition to reveal how their discourses are ultimately implicated in each other and similarly invested in the same constructions of life, choice, and American liberalism. Additionally, it examines how Sanger's and Comstock's professed commitments to preserving individual agency and choice are embedded within a profound fear of upsetting the white nuclear family that many white Americans saw as under threat. This chapter also focuses on several stories from Sanger's *Birth Control Review*, including Angelina Weld Grimké's "The Closing Door," where Agnes, the African American protagonist, tries to have a self-induced abortion and finally succeeds in killing her child after his birth in order to escape perpetuating American racism. Agnes exposes the illusion of childbearing (or abortion) as choice protected within a legislated individualism. Through a reading of "The Closing Door," this chapter demonstrates how Sanger and Comstock are then both viewing women's bodies as instruments of reproduction that *should* be managed and controlled, shaped by the technologies of biopolitics.

Chapter three extends this critique of choice through two popular early twentieth-century novels, Viña Delmar's novel, *Bad Girl* (1928) and Christopher Morley's *Kitty*

Foyle (1939). Through reading these novels, I argue that while biopolitics is always seemingly invested in individual life, it is actually a means to manage and regulate populations. For Dot, the protagonist of Delmar's novel, this means always maintaining a difference and distance from the poor and race populations who live around her. I read Dot's "choice" not to have an abortion, not as a demonstration of agency but as implicated in technologies of sex that shape the forming bourgeois subject, and which are intricately connected to technologies of race and discourses of blood that demarcate populations in the early twentieth century. This chapter also traces the shifts in eugenic epistemologies as they are tied to abortion politics. *Kitty Foyle* was written on the eve of World War II as the implications of eugenics became fully realized in Nazi Germany. Given this political climate, the novel reflects a more uncomfortable relationship to eugenics even as it refuses to undo the deeply sedimented population constructions that formed through the nineteenth century and into the twentieth. Additionally, its troubled circulation of eugenic discourses leads to a more nuanced and complicated depiction of abortion, which actually occurs within the course of the novel. Thus this chapter reflects on the connections between eugenics, abortion, and the shifting demographics of the United States between the two world wars.

Life

Chapter four examines how in Edith Wharton's *Summer* (1917) Charity's pregnancy and encounter with the abortionist force her to negotiate between a bare life, a life stripped of all rights that mark one as human, and a livable life, one guarded and recognized by the law. I argue that Charity's sexual acts ontologically position her on the

threshold between bare life and a "so-to-speak authentic life." Charity comes from the Mountain, a place where no law exists and the people are barely recognized as human by the citizens of the town, where she was charitably adopted (hence her name). Wharton wrote this novel during World War I, while she was working with refugees in France and struggling to understand the shifting definitions of life that occur during war and the displacement of populations. This chapter focuses on thinking through the connections between World War I refugees, the new understandings of life that emerged during and after the war, and how this connects to reproduction and the regulation of abortion in the early twentieth century. Alison Berg argues that Charity exists on the threshold between whiteness and racialized otherness; I extend her argument to think about how Charity's liminal position exposes the connections between bare life and race, and how these connections are monitored through the regulation and stigmitization of abortion and female sexuality.

This reading is elaborated in the fifth chapter through William Faulkner's *The Wild Palms* (1939),[21] which intersplices two stories that seemingly have no narrative connection. The opening section "Wild Palms" follows the story of Charlotte and Harry Wilbourne, who spend the entirety of the novel traveling because they insist on being uncommitted to their labor. Their affair is cut short when Charlotte becomes pregnant and Harry reluctantly agrees to abort the fetus, which ultimately causes her death. The interweaving story "The Old Man" follows "the tall convict," who escapes from incarceration after a levee in Mississippi breaks, leaving thousands stranded and homeless, causing disastrous environmental conditions, and forcing a band of convicts to

[21] Faulkner's original title for the manuscript was *If I Forget Thee Jerusalem*, but his editors forced him to change it before publication.

work on repairing the levee. Nature appears in this novel as a precarious force, which the technologies of capitalism try to contain in order to build upon it and allow for the processes of accumulation. Through a reading of Hannah Arendt's *The Human Condition,* this chapter argues that *The Wild Palms* questions whether human life can break the cycle of laboring—a cycle that Arendt argues is modeled on fertility—so that individual life and the private sphere are no longer the privileged zones of society. Connected to this argument is also an attempt to understand what abortion might mean if the politics of life were released from the individualizing and protective measures of law, and if, like Charlotte, we understand that fetal life should not be privileged over any other form of virtual life.

Thus *Genealogies of Abortion* weaves together these four literary and historical moments to question the current ethical frameworks of abortion politics within choice and life and to construct an understanding of abortion seen through a genealogy that imbricates it with discourses of racism, nationalism, and liberalism. As the title of the project reflects, I trace a genealogy of abortion in that I tell a story of abortion regulation in the U.S., but I also seek to show how these genealogies have been arrested in their development as the current discourse of abortion politics has obscured and entangled—"grayed" in the words of Foucault—their trajectories. And thus by tracing these genealogies, I hope that this project might then reveal the limits of circumscribing abortion as only matters of life or choice.

PART I: CHOICE

CHAPTER TWO

The Inadvertent Alliance of Anthony Comstock and Margaret Sanger: Abortion, Choice, and Eugenics in Modern America

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> *The true historical sense confirms our existence among countless lost events, without a landmark or a point of reference.* — Michel Foucault
>
> *Rights necessarily operate in an ahistorical, acultural, acontextual idiom: they claim distance from specific political contexts and historical vicissitudes, and they necessarily participate in a discourse of universality rather than provisionality or partiality*. —Wendy Brown

This chapter seeks to trace a continuum between Anthony Comstock's moralizing jeremiads against "obscene acts" and Margaret Sanger's quest to legalize birth control by demonstrating how they both used disciplining tactics that demonized abortion. At the same time, it works against this linear unfolding to argue that both Comstock and Sanger are part of a genealogy of the sedimentation of rights discourse which today grounds abortion politics, on both the right and left of reproductive activism. Most importantly, however, this chapter aims to demonstrate how Comstock and Sanger succeed in politicizing abortion, thus completing the task begun by the American Medical Association, as chapter one argues. Comstock's contribution to this politicization worked to lump abortion with other "sexual crimes," such as pornography, thus contributing to the misconception that abortion was primarily used by working-class and poor women. On the other hand, Sanger's work fought to separate the issues of birth control (meaning contraceptives) and abortion in order to further Comstock's construction of abortion as degrading and destructive. Sanger and Comstock both would have been outraged had their ideologies been seen as working within similar paradigms. However, the opposition

between them is belied by the fact that both activists were invested in liberal constructions of choice and rights.

Using rights, or what is sometimes called "the right to choose," as a means to re-enfranchise communities that have been historically oppressed has a prominent but conflicted history in the United States, both in academia and in activist struggles. From Patricia Williams' work that asserts that rights granted through constitutional law are crucial in the fight to grant African Americans equal status in the U.S. to Wendy Brown's critiques of rights as imbedded in a liberalism that is entrenched in maintaining a hierarchical status quo, the discussion of rights as a tool for remedying civil and social inequality has been heated and often emotionally argued. Much has also been written about the role of rights in granting women access to abortion and control over their bodies.[22] For example, Mary Poovey has argued that giving women the *right* to have an abortion maintains an individualistic attitude toward a procedure that should be based in community decision and with a community's support. More recently, looking primarily at the postcolonial state, Gayatri Spivak has argued that the politics of rights are more complicated than a simple dismissal of them as reifying a racist liberalism or as the best means to overcome centuries of racism as a result of colonialism. Instead she presents a more nuanced argument that deconstructs rights as based in the natural, either in language that grants the natural rights of man (such as the Declaration of Independence) or even more neutrally phrased documents such as the UN Human Rights Declaration. While this

[22] One of the most well-regarded and thorough texts on abortion and choice in Ricky Solinger's *Beggars and Choosers*; this will be discussed in more detail later in the chapter.

chapter will not rehash the debate around rights and its sister concept, choice,[23] I do seek to address some relevant histories surrounding the debate and the way it has emerged in abortion politics in order to demonstrate the ways in which Margaret Sanger and Anthony Comstock are embedded in similar liberal politics of betterment and reform.

In rehearsing rights rhetoric from the American Civil Rights movement, Kimberle Crenshaw provides a nuanced picture of the critique of rights that emerged from the movement, but also the necessity for those rights.[24] Crenshaw recites the "Crits"[25] argument, which argues that rights discourse is often legitimated through a "victims" perspective—the discourse doesn't address why crimes or oppressions are perpetuated but rather looks at how the victims' experience is shaped. The problem with this framework is that then "victims" need to prove their status, and as Crenshaw notes, in the decades following the height of the Civil Rights era this became harder to do as courts more narrowly defined what counted as an act of discrimination. However, Crenshaw doesn't advocate doing away with rights all together, since she sees in rights the potential to envision society "as the way things ought to be" (67). For her the legitimizing force of rights is in the actions they produce, not necessarily in the results (70). Crenshaw's essay is anthologized in a collection that attempts to comment on the language of rights and provide an overview of where rights talk stands in contemporary culture. Sandwiched

[23] I see the rhetorics of right and choice as related because they are both grounded in a liberal and individuated understanding of law—both assume a universal, ahistoricized subject with no attention to particularities that often make the access to right or choice impossible or even more oppressive.

[24] Crenshaw begins her article by asserting that the era of Civil Rights is dead. She notes, for example, that whenever "civil rights" are invoked in bills, the words often signal a reactionary attack on gains made during the Civil Rights Era, such as Affirmative Action thus demonstrating the slipperiness of rights language.

[25] In tracing the history of critiques of rights, Crenshaw identifies the critics of rights as "Crits"—those that during the Civil Rights Movement opposed the rights-based attempts to overcome American racism.

between an essay by Martin Chanock that argues that rights provide a *necessary* universalizing power, especially to formerly colonized cultures, and Thandabantu Nhlapo's work that fiercely argues against this universalizing paradigm, the anthology, entitled *Beyond Rights Talk and Culture Talk*, is not quite ready to go beyond either of these paradigms. The majority of the essays, some with good reason, still cling to the language of rights as providing crucial frameworks for activism.

However, Wendy Brown, in work that was published almost a decade before, presents a compelling argument for how and why we should go beyond rights. Brown begins her speculation on the role of rights in American politics by asking, "What is the emancipatory force of rights claims on behalf of politicized identities in late-twentieth-century North American political life?" (96). Brown is not actually interested in whether rights free subjects from repressive structures, but rather how rights work to shape those subjects into identity-based individuals, thus pointing to the impossibility of the universal claims that many rights-oriented legislation posits. As Brown astutely argues, in order to have sway rights must provide the illusion that they are granting access based on a naturalized and universalized paradigm; however, it is precisely their ahistoricity that works to curtail the potential emancipatory force of rights because of its power to foreclose identity and refuse the recognition of those outside its boundaries. As Brown continues to argue,

> Historically, rights emerged in modernity both as a vehicle of emancipation from political disenfranchisement or institutionalized servitude and as a means of privileging an emerging bourgeois class within a discourse of formal egalitarianism and universal citizenship. Thus, they emerged both as a means of

> protection against arbitrary use and abuse by sovereign and social powers—class, gender, and so forth. (99)

Brown sees bourgeois rights discourse as functioning through biopolitics by depoliticizing sectors of the social sphere such as the family and private property to make them seem naturalized. Through an extended reading of Karl Marx's "On the Jewish Question" Brown demonstrates how bourgeois rights reify the power from which the claim to rights supposedly liberates us.[26] Thus in Marx's example of the right to practice religion in the U.S., that right naturalizes religion as inherently based in individual choice, and worse yet, as a form of property the individual then clings to as a way to demand individual freedom.

Taking a different direction with related ends, Spivak grounds her argument in a complicating discussion of the relationship between ethics and politics. She engages her discussion of rights within the ethical arguments that supposedly grant rights to individuals. More simply, she asks what happens to ethics when they are exposed as embedded in a politics of responsibility and as charity-like obligations. She argues, "To rationalize the question of ethics *fully* is to transgress the intuition that ethics are a problem of relation before they are a task of knowledge" (531). When rights are granted as ethical responsibility, as they are often are in human rights rhetoric, on what grounds are those ethics proclaimed? Or, in other words, how have ethics become depoliticized so that we no longer see them as grounded in a contemporary politics that seeks to universalize what is particular. When Spivak calls for a deconstruction of the "aporia between ethics and politics" (531), she also seems to suggest that in that aporia exists the

[26] In Marx the critique is focused on how in the young U.S. the separation of church and state grants the individual the right to freedom of religion, thereby actually sedimenting the practice of religion by relegating it to the realm of individual choice and expression.

relationship between rights and politics. Like ethics, rights must be seen as embedded within a particularized and local understanding of the politics[27] out of which they emerge. And like Brown, Spivak demands that rights as ethical practice no longer be universalized and ahistoricized but rooted in culture, time, and place.[28]

While this somewhat lengthy summary of contemporary rights discourse seems distant from early-twentieth-century discussions of abortion politics, I intentionally began with this discussion in order to contextualize both Comstock's and Sanger's ideologies within a more current moment as a tactic to expose the politics of historicizing. In other words, Spivak's call to repoliticize ethics and Brown's insistence that rights be seen within the local and particular will subtend my discussions of Comstock and Sanger to reveal how both were engaged with a politicizing of abortion that was successful precisely because they worked through liberal techniques of discipline that sought to appear depoliticized and universal. And thus, this chapter, rather than offer a definitive alternative history to abortion discourse, instead constructs only one possibility for that history through overlaying seemingly opposing ideological forces to see what politics are then exposed. This chapter analyzes Comstock's politics as revealed in his work and in F. Scott Fitzgerald's engagement with his ideologies in the early twentieth century. The later portion of this chapter discusses Sanger's political work and its fissures through setting her ideas besides some of the writers she published in *The Birth Control Review.*

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[27] I use the term "politics" here in both an idiosyncratic and generalized way. On one level, I use the term to mean a system that has a forceful organizing structure. But implicit in my use of the term is already an understanding that politics are always de-foundational politics. In other words, my use of the word already seeks to unveil how politics can never be universal or ahistorical but are always implicated in intentional and disciplining normative technologies.

[28] However, Spivak also stresses that she does not want to do away with ethics. While she seeks to problematize the way they are grounded, she also hopes that by denaturalizing them we can come up with a new ways of envisioning the role of ethics in legal and social debates.

Abortive Damnation and Family Values in F. Scott Fitzgerald's *The Beautiful and Damned*

> *Every obscene, lewd, or lascivious, and every filthy book, pamphlet, picture, paper, letter, writing, print, or other publication of an indecent character, and every article or thing designed, adapted, or intended for preventing conception or producing abortion, or for any indecent or immoral use; and every article, instrument, substance, drug, medicine, or thing which is advertised or described in a manner calculated to lead another to use or apply it for preventing conception or producing abortion, or for any indecent or immoral purpose.*
> –From the 1873 "Comstock Act"

Premarital sex, free-flowing alcohol, reckless partying—the characters in F. Scott Fitzgerald's second novel, *The Beautiful and Damned* (1922) engage in all the practices that would have outraged the late nineteenth- and early twentieth-century moral reformer Anthony Comstock and instigated him into disciplining action. When Fitzgerald named his protagonist and prime actor in these crimes Anthony Comstock Patch, he was making more than just a flat-footed ironic gesture. The fictional Anthony—named in the novel by his grandfather, Adam Patch, to honor the moral reformer—decides at a young age that his grandfather's path of moral righteousness leads to boredom and unhappiness. Therefore, he refuses to work, engages in licentious behavior with working-class girls (preferably older than he), and regularly spends his evenings consuming alcohol with friends. When he meets Gloria Gilbert he finds his match in carelessness and selfishness, and the two decide to marry to continue a life of debauchery together. At first, however, the marriage surprisingly straightens Anthony (who decides to drop Comstock from his name), and he worries about money, household chores, and taking care of his wife. The couple even tentatively discuss having children when they reach their three-year anniversary. However, a year into their marriage, after some of the initial thrill of the love

affair has faded, Gloria discovers she is pregnant.[29] She confronts Anthony with her new state and asks him straightforwardly, "Do you want me to have it?" (135). Her question implies that there is choice, and that she could easily reverse her condition, even though abortion was illegal at the time. Anthony responds nonchalantly, telling her that he's fine with whatever she chooses; he just insists that she make up *her* mind; he stresses, "See here, Gloria, I'm with you whatever you do, but for God's sake be a sport about it" (135). She decides to go to Constance Merriam, who in the novel's previous section is introduced as a friend, the next day;[30] while her decision to visit Constance does not reveal whether she has decided to abort her pregnancy, she does add, "it isn't that I'm afraid—of this or anything else. I'm being true to me, you know" (135). Her curt assessment already exposes her decision because the only qualities Gloria recognizes as "true" to her are her beauty and youth—bearing a child, she later reveals, would surely destroy these features.

The next day, after Anthony returns from a visit to his grandfather, he immediately confronts Gloria, who happily tells him, "It's all right" (138). He asks for a second confirmation, and she emphasizes the point. She mysteriously tells him that the incident surprised her and leaves it at that. No mention of the pregnancy is made again in

[29] The sub-title for this section is called a "Nietzschean Incident." Earlier in the novel, Fitzgerald associates the philosopher's ideologies with selfishness and egotism. For example, Gloria is described as a "practicing Nietzschean" because "of her outrageous and commendable independence of judgment" and because "of her arrogant consciousness that she had never seen a girl as beautiful as herself" (131). Thus by titling this section with such an allusion to Nietzsche, Fitzgerald implies that Gloria is about to commit the supposedly most selfish (and independent) of all acts—aborting motherhood.

[30] When Gloria informs Anthony of her plan, her decision seems cryptic. However, in the novel's ironic spirit, perhaps Fitzgerald was alluding to Clinton Levi Merriam, U.S. Senator from 1871-1875, who pushed the Comstock Laws forward because he saw them as "saving the outraged manhood of our day." Merriam argued that obscene materials circulating through respectable homes was the largest threat society faced because it challenged "the purity and beauty of womanhood." See Mary Ware Bennett's *Birth Control Laws: Shall We Keep Them, Change Them, or Abolish Them?* (1926)

the novel. Yet, the incident slowly shadows their relationship: in the same conversation Anthony begins lying to Gloria, a trend that will only be exacerbated as the novel continues, and they have a fight about Anthony's attempt to find a job and be more responsible. In an ironic twist on the stereotypical fight in a heterosexual marriage, Gloria reminds Anthony that he once believed that he couldn't "see why an American couldn't loaf gracefully" (139). It was this characteristic that attracted her to him. The issue is dropped shortly after, and Anthony continues his life of idleness to Gloria's satisfaction. Yet the next chapter begins with more discontent. Anthony and Gloria wake up in bed, so disoriented from a night of inebriation they can barely recall how they got home. The arguments continue; the aimlessness intensifies; money is squandered. Then one day Anthony comes home to find Gloria asleep on the sofa with a child's doll in her arms, "her face as untroubled as a little girl's," and the doll serving as "a profound and infinitely healing balm to her disturbed and childish heart" (149). In the narrative's logic, Gloria and Anthony have one more moral sin to add to their already depraved life—Gloria's abortion (and Anthony's indifference to her choice) finally undo the couple, leading them in the downward spiral that encompasses the next half of the novel—extra-marital affairs, constant inebriation, spending beyond their means, and slowly being expelled from their social circles. The doll that Gloria clasps in her arms is a farewell to the life they could have had—a healing balm that's ultimately temporary because her childish heart will eventually be destroyed, turned into the "unclean woman" she becomes in the closing pages of the story. The novel follows a path Comstock once warned against: Gloria, unprotected by her family, loses her girlishness and innocence—the most tragic fate in Comstock's polemical tracts.

The eponymous Comstock, Adam Patch's hero, is perhaps best known for his anti-prostitution and anti-obscenity reforms. In 1872, the United States Congress, after pressure from his organization the New York Society for the Suppression of Vice (NYSSV) and the Young Men's Christian Association (YMCA), passed what are now known as the Comstock Laws[31] banning all forms of "erotic" material from the distribution of pornography to the availability of contraception such as condoms.[32] Even information about how to limit family size was deemed obscene under these laws, and Comstock himself volunteered to sort through the mail at the post office to seize any material that was suspect. Although Comstock never attacked access to abortion specifically, he classified abortion with all the other immoral acts and ideas that he saw corrupting American society.[33] In her extensive study of Comstock and his role in limiting women's access to contraceptives and abortion, sociologist Nicola Beisel argues against previous feminist historians who have described Comstock as working toward limiting women's control over their reproductive choices.[34] Instead she believes that Comstock's investment in outlawing abortion and enforcing the arrest and prosecution of abortionists was based in a politics of child protection—fitting Fitzgerald's initial depictions of Gloria.[35]

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[31] Comstock objected to the colloquial reference to these laws by his name. In *Frauds Exposed* he tries to show that he was not responsible for their passing, but that several members of Congress strongly supported anti-obscenity laws and pushed their passage.

[32] These laws would not be federally overturned until the 1965 Supreme Court Case *Griswold v. Connecticut.*

[33] Consumption of alcohol was his first target. Before he became a moral reformer he opened up a small dry goods store and was soon shocked by the amount of alcohol consumed by his male customers.

[34] See, for example, Rosenberg-Smith and Brodie.

[35] Beisel argues that Comstock equally viewed women and children as potential victims, and that if he was intent in outlawing abortion it was because he saw women as being unable to protect themselves from its unmediated harm. This argument is in contrast to most feminist critiques of

In his tract *Frauds Exposed,*[36] Comstock writes about Cora Sammis, a twenty-two-year-old woman from a middle-class home who sought an abortion after she became pregnant. Although Sammis was engaged, both she and her financé agreed to seek an abortion before the marriage. Unfortunately, Sammis died shortly after the procedure, and her abortionist was arrested and imprisoned. In interpreting the case, Beisel notes that Comstock focused more on Sammis' parents than on her fiancé or even the woman's own actions. Instead he laments "the anguish of the parent who wakes up to the knowledge that the beloved child is debauched" (43). In great detail he imagines how Sammis' father must have felt as he received news that his daughter died of an abortion; and thus he urges his reader to aid in abolishing this daughter-destroying practice. For Beisel, this suggests that Comstock's quest to prosecute abortionists had little to do with restricting women's sexuality and more to do with protecting children. Her argument, however, is controversial among other historians dealing with Comstock.

Historian Janet Farrell Brodie notes that Comstock frequently passed moral judgment on women he deemed immodest. He believed women should wear clothes that were not too revealing and use no make up or other beauty products. As Brodie explains it, Comstock viewed women who put effort into their appearance as seeming "too independent, not 'belonging' to any man" (273). Brodie traces Comstock's involvement in curtailing contraception access to his conflict with Victoria Woodhull, the nineteenth-century feminist and "free love" activist. Comstock felt threatened by Woodhull because she was precisely the type of woman who refused to belong to any man and insisted on

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Comstock, which suggest that Comstock was threatened by female sexuality. See Beisel's *Imperiled Innocents.*

[36] *Frauds Exposed* is descriptively subtitled, *How the People Are Deceived and Robbed, and Youth Corrupted.*

pursuing ambitions that were usually reserved only for men.[37] Comstock arrested Woodhull on charges of libel, only to feel humiliated when the judge dismissed the case.[38] Soon thereafter he began his rampant campaign to outlaw access to abortion and contraception. Brodie argues that the proximity of these two events suggests that Comstock's motivation to ban any form of birth control had less to do with his quest to protect children, as Beisel has argued, and more with his belief that women needed to be contained and protected from their selves.

Comstock's encounter with the infamous New York abortionist Madame Restell[39] is another example of his relentless pursuit of a powerful and successful woman. Comstock initially pursued Restell after being dared that he could not succeed in finding grounds on which to arrest her, although the nature of her practice was an open secret. In 1886 Comstock went to Restell's home disguised as a man seeking to help his pregnant lover obtain an abortion. When Restell agreed to sell him an abortifacient, he arrested her and charged her with distributing illegal and obscene material. Before Restell's case came to trial she committed suicide, which stirred much controversy in the New York media. As Beisel documents, most of the circulating papers condemned Restell, although the *World* also denounced Comstock for luring the woman to sell him an illegal product. In the words of the paper, "No matter what the wretched woman was who took her life with her own hand yesterday, her death has not freed the world from the last of detestable

[37] In 1872 Woodhull organized the People's Party and ran for president with Frederick Douglass as her running mate. She was also the first woman to become a stockbroker on Wall Street (Brodie 273).
[38] Brodie notes that the case reflected so poorly on Comstock that both the YMCA and his sympathetic biographer made no note of the incident in their records.
[39] Her given name was Anne Lohman. An immigrant from England, Madame Restell sold pills that claimed to abort fetuses. Her business was so successful, she moved to Fifth Avenue in New York City and worked among the most elite New Yorkers, many of whom were her clients.

characters. Whatever she was she had her rights…" (qtd. in Beisel 47). Thus Comstock's reputation eventually suffered as a result of arrests that used ethically dubious plots to capture supposed offenders. By the time of his death, it was as common to see editorials and cartoons mocking his efforts as those that praised his methods.

At the end, looking at whether Comstock was invested in "protecting" children or women asks the wrong question because his efforts culminate with the same result of putting forth a discourse that calls for the regulation of bodies that cannot or should not control themselves. Yet I unfold both these arguments—Beisel's, which argues for reading Comstock as most interested in disciplining children's bodies, and Brodie's, which sees Comstock as working to discipline women—because they expose Comstock's concern with containing bodies that could potentially exceed what he presents as the norm for family, reproduction, and sexuality. Comstock's construction of these norms is tied to ensuring the hegemony of the white, middle-class family—a construction that in the late nineteenth century was built on the subservient positions of women and children. Thus his polemic against open displays of sexuality in general becomes a technology for regulating and controlling the bodies that pose the greatest danger to undoing hegemonic norms.

The Beautiful and Damned is complicated in its treatment of Comstock, both through its apparent condemnation of Anthony, who ironically shares his name, and Anthony's stern grandfather, Adam Patch, the admirer of the late Comstock. While Anthony and Gloria embody the sins that Comstock warns against, like Tom and Daisy in *The Great Gatsby,* they emerge with impunity in the closing pages of the novel when Anthony wins a lawsuit that grants him the thirty million dollars his wealthy grandfather

tried to disinherit him of before his death. In fact, the last we hear from Anthony is a narrative rendering of his thoughts as his ship sails away from the New York Harbor to England. He sees himself redeemed, not because he finally chose a moral life path, but because his reckless life paid off; after a long legal battle his grandfather's millions are now his. In the narrative's logic, Anthony, like Tom and Daisy, gets away with his crimes and laziness simply because he was born to be one of the chosen.

While little critical attention has been paid to *The Beautiful and Damned*, especially in connection to its racial politics, *The Great Gatsby* has been carefully dissected for its depictions of racial passing, white anxiety, and American eugenics. In 1971 Lewis Turlish first pointed to the connection between Tom's racist diatribes and the infamous white supremacist Lothrop Stoddard. While it was not the first time connections were made between Fitzgerald's work and its implications in eugenicist thought, Turlish does connect Tom's reference to the fictional Goddard, author of *The Rise of the Colored Empires*, to Stoddard's similarly titled work, *The Rising Tide of Color Against White World-Supremacy.* More recently, Walter Benn Michaels has written about the significance of this connection, suggesting that *The Great Gatsby*, among other American novels from the 1920s, is "deeply committed to the nativist project of racializing America" (13). Michaels defines nativism as the drive to distinguish between who/what is American in opposition to the un-American. He argues that in *The Great Gatsby* what defines Jay Gatsby's ambition to transform himself into someone Daisy would marry is his quest to find a suitable past; thus he constructs myths about his personal history, telling stories about his time in Oxford and his family's connection to the university. Gatsby's transformation into a white, wealthy American seems easy in the

present moment of the novel, but ultimately it is his inability to prove his genealogical whiteness and wealth that severs his ties to Daisy and brings her to choose Tom. Jimmy Gatz (a.k.a. Jay Gatsby) is un-American, thus not-white, in Tom's logic because of his ambiguous ancestral connections but also because of his disguises that attempt to "trick" real Americans into acceptance.

However, Meredith Goldmith critiques Michaels for not acknowledging the role of class transcendence in Gatsby's disguise. She argues "for a more complex interplay between Stoddard and Fitzgerald than the simply allusive, for while Stoddard fixes races as colors, Fitzgerald articulates color with racialized class positions" (457). In *The Beautiful and Damned* this racialized class position is expressed particularly through juxtaposing the characters of Gloria, described as a "Nordic Ganymede,"[40] and her one-time lover Joseph Bloeckman, who later anglicizes his name to Black. Bloeckman first enters the novel during the early days of Anthony's courting of Gloria; and although he is at least ten years old than Gloria, Jewish, and in Anthony's words "boiled looking! Ought to be shoved back in the oven; just one more minute would do it" (76), Gloria is interested in keeping up the flirtation. Bloeckman's narrative continues throughout the novel as a mirroring of Anthony's and Gloria's downward spiral; the more Anthony and Gloria descend into depravity and poverty, the more Bloeckman seems to rise in social class and assimilate into white society. In fact, shortly after Gloria's abortion, Bloeckman happens to stop by the little gray house they rent in Marietta, Connecticut. Anthony immediately observes that Bloeckman "had grown tremendously in dignity. The boiled

[40] Ganymede, a figure in Greek mythology, was a favorite of Zeus because he was the handsomest of all mortals. Zeus found him so irresistibly attractive that he appointed him the cupbearer of the Greek army and took him as a lover. Interestingly, there are several passages in *The Beautiful and Damned* that comment on Gloria's masculinity and boyishness. However, for the interest of this chapter, I am more concerned with Gloria's description as "Nordic".

look was gone, he seemed 'done' at last. In addition, he was no longer overdressed" (168). Like Gatsby, Bloeckman slowly succeeds in assimilation, but it seems to happen only at the cost of Gloria's and Anthony's demise.

In the last chapters of the novel, when Gloria and Anthony have reached the depths of their despair—Anthony has an affair with a working-class woman while he's stationed in the southern states during World War I, while Gloria grows more alienated from him and begins her own flirtations with other men—Gloria finally approaches Bloeckman, who by now is the successful Mr. Black, owner of the acclaimed movie studio, *Films Par Excellence.* In desperate need of money, Gloria calls up Mr. Black to ask if she could audition for a movie. Honoring their old friendship, Bloeckman suggests she try for the role of a leading actress's younger sister. Gloria enthusiastically takes the audition, only to find out several days later by mail that "Mr. Debris seemed to think that for the part he had in mind he needed a younger woman. He said that the acting was not bad, and that there was a small character part supposed to be a very haughty rich widow that he thought you might— " (329). Gloria cannot finish the letter through her tears; whether intentional or not, Bloeckman's letter gave rise to her deepest fears—that one day, perhaps today (her twenty-ninth birthday no less), she would no longer be the most beautiful and youthful looking of all women. The chapter ends with her collapse on the floor in "the first awkward movement she had ever made" (330). In an ironic twist, Bloeckman, the once boiled-looking man who she wouldn't marry, strips her of her Nordic confidence and conceit. Thus like Gatsby, Bloeckman fails in getting the dream girl. However, unlike Gatsby, he succeeds in humiliating and crushing her; first by *helping* her enter the more degraded sphere of working women, but ultimately by

pointing to her fungibility. Gloria is no longer special because of her birth, status, or race. Bloeckman's ability to succeed and assimilate not only erases these social distinctions, but also leads to the demise of those born with the "rights" to class privilege.

An even more obvious demonstration of Bloeckman's passing and new power occurs several scenes later during one of Anthony's drunken rages. Completely broke after spending his last few cents on liquor, Anthony impulsively hunts down Bloeckman at an exclusive dancing resort. When Mr. Black agrees to meet him, Anthony begins to nonsensically accuse him of keeping Gloria out of the movies. Slurring his words and throwing racial slurs at Bloeckman, Anthony casts a pathetic figure. When he refuses to leave, Bloeckman strikes him and knocks him down, then demands that Anthony be thrown out, and tells the now growing crowd that Anthony tried to blackmail him. When someone suggests that the police be called, Mr. Black responds, "Oh, no. I can't be bothered. Just throw him out on the street… Ugh! What an outrage" (357). The "bum" (358) is then kicked out and threatened. Anthony is completely emasculated in this reversal of roles—dismissed as a member of the lower classes, one whose position is so despicable that even the police shouldn't be consulted. Goldsmith argues that in *The Great Gatsby* "Fitzgerald refutes the possibility of any identity, whether racial, class, or ethnic, as 'the real thing'" (444). Similarly, in *The Beautiful and Damned* identity is more fluidly shaped and changing; Anthony and Gloria start as privileged members of society, only to turn into poverty-stricken outcasts, until finally the inheritance of Adam Patch's millions redeems them. However, their final redemption is uncomfortable because even as they embrace new identities, the narrative critiques their choices. As an anonymous bystander observing Gloria in the closing page of the novel comments, "She seems sort

of—sort of dyed and *unclean*, if you know what I mean. Some people just have that look about them whether they are or not" (366). Thus ringing through the end of *The Beautiful and Damned* is a continuous condemnation of Anthony and Gloria's depraved deeds, perhaps starting from that ill-fated abortion. Stabilized identities may not exist in Fitzgerald's novels, but a longing for a third space, one not occupied by the shifting Bloeckman/ Mr. Black nor by the fallen Gloria and Anthony subtends the narrative. Even as the novel might mock Adam Patch, it also figures him as harboring a clearer judgment about how to discipline America's unruly. When Patch disapproves of Gloria, we trust him to be correct; and when he belittles Gloria's mother, we also know that this assessment has truth.

While not sharing his name and having far more money than his predecessor, Adam Patch figures as a new Comstock within the narrative of *The Beautiful and Damned*. Disinheriting his grandson because he visited him unannounced during a party where alcohol was consumed and rowdiness was raging, Patch leads an austere life organized through moral sanctions. Like Comstock, Patch has a litany of complaints about the moral degradation of Americans subtended by a firm belief in a righteous Christianity. *Frauds Exposed* reads exactly like a diatribe against objectionable acts that Patch would have applauded. In it, Comstock lays out his agenda, noting a particular vendetta against lotteries, to which six of his thirty-two chapters are devoted. Like modern-day conservative politicians, Comstock decries liberals, whom he sees as the leaders in allowing obscene materials and ideas into mainstream society. The first three chapters of Comstock's polemical tract are devoted to "Bogus Bankers and Brokers," particularly the shady firm known as Lawrence and Company, which claimed to

responsibly invest money, but really swindles people out of their savings through scams and false investments. Comstock reveals that there was no Lawrence behind the company, but a Benjamin R. Buckwalter; and not only was the company's name dubious, but the white marble building they supposedly occupied according to pictorial representations turned out to be really composed of two small dingy rooms. Furthermore, upon investigation, Comstock discovered that "little is known of Buckwalter's early life" (*Frauds* 35). Comstock considered Buckwalter's business the vilest kind of fraud—posing as someone he isn't as a means to take other people's money.

Comstock's critiques are never racialized; even more surprisingly, he also never explicitly mentions class divisions. On one level his outrage is aimed at populations that transcend what he might have seen as material divisions. And yet, his commitment to "respectability" is tied to a raced and classed notion of family. For example, in his description of Cora Sammis, noted earlier, he bemoans the loss of a daughter in "a respectable" family—one that went to church, lived in a "quiet village on the eastern end of Long Island" (417) and had all appearances of existing apart from the moral debauchery Comstock dedicated his life to eradicating. In this example, as in others, Comstock reveals that he is most intent on protecting the white, Christian, middle-class family from the seedy elements infiltrating society. People like Buckwalter (or like Gatsby, perhaps his fictional counterpart), who enter into their midst, disguised through a change of name and appearance, and are able to pull naïve or unsuspecting good citizens into their evil schemes are thus the biggest threat. Worse yet is when people from a "good, upstanding home", people like Anthony Patch and Cora Sammis, are so polluted

by lust and desire that they begin to embody the moral degradation of society—a slippage difficult to transcend. As Comstock preaches:

> Lust defiles the body, debauches the imagination, corrupts the mind, deadens the will, destroys the memory, sears the conscience, hardens the heart, and damns the soul…Like a panorama, the imagination seems to keep this hated thing before the mind, until it wears its way deeper and deeper, plunging the victim into practices he loathes. (416)

What's interesting about Comstock's indictment of lust is not his fear of evil-doing men (or women) who attempt to seduce innocent persons, but the way in which he depicts lust as affectively entering the bodies of the seducers and turning them into something/ someone they are not. "The victim," as Comstock reveals in the following pages, is most often a young man or woman from a "good" middle- class home, who becomes sucked in by larger forces to become the immoral debaucher he was never *intended* to be. Like Gloria and Anthony in *The Beautiful and Damned,* this debased person performs a series of acts because "he doesn't know better" that then lead him or her onto a sinful path that soon becomes difficult to correct. And what both *The Beautiful and Damned* and *Frauds Exposed* make clear is that they see abortion, or the possibility of abortion*,* as one of those slippery moments: Because Gloria and Anthony seem to make their decision so lightly, like Cora Sammis, they quite literally abort their possibility for returning to the respectable positions of their birth.

Michel Foucault argues in *The History of Sexuality* that procreative behavior is socialized to discipline reproducing subjects into an ethic of "responsibilization" (105). In turn this produces sexuality, what Foucault describes as

> the name that can be given to a historical construct: not a furtive reality that is difficult to grasp, but a surface network in which the stimulation of bodies, the intensification of pleasures, the incitement to discourse, the formation of special knowledges, the strengthening of controls and resistances, are linked to one another, in accordance with a few major strategies of knowledge and power. (106)

This network of knowledge and power is precisely what Comstock's texts discursively construct and what is constructed through them to name sexuality and to tie it to a number of other "perverse" acts and discourses. Through lobbying for laws that ban the distribution of "obscene" materials and the practice of abortion, his texts give rise to a kind of knowledge about these acts that in turn frames them and pushes them into circulation. Anti-abortion laws function not only to prevent the practice, but to construct a knowledge about how subjects should behave—what is defined as "responsible" behavior—as a means of disciplining and controlling the body-as-machine, the individual, and the demarcation of populations—to deem what bodies and populations are "deserving" of responsibility and which ones need to be regulated and enclosed. This kind of power-producing knowledge is what Foucault terms *biopolitics* or *bio-power*; he argues that "if one can apply the term *bio-history* to the pressures through which the movements of life and the processes of history interfere with one another, one would have to speak of *bio-power* to designate what brought life and its mechanisms into the realm of explicit calculations and made knowledge-power an agent of transformation of human life" (143). In other words, *bio-power* produces life through circulating knowledge—about the body, the family, the church, etc.—that in turn constructs an

individual that unknowingly acts as an agent of that knowledge—hence the power is implicitly tied to knowledge.

Looking at Comstock's textual critiques of "Liberals" through a biopolitcal lens demonstrates how his ideologies are ultimately embedded in a liberal construction of the state and societal structures that discipline citizens to be self-controlling individuals formed through the biopolitical bind of knowledge/power. What *The Beautiful and Damned* and Comstock's own writings put forth is that abortion, because it is both keenly tied to procreative behavior and presumably control, becomes a linchpin of *responsibilization*. For Comstock and Fitzgerald's characters, the abortion is then a mark of demise because it demonstrates a lack of control and a giving in to the lustful forces at large. However, more importantly, both Comstock's polemical writings and Fitzgerald's novels are technologies of discipline through their distribution of knowledge about the supposed inherent evil of abortion.

Choice: Wronging Rights, Choice, and Abortion Rhetoric

> *Many people believed that "choice"—a term that evoked women shoppers selecting among among options in the marketplace—would be an easier sell; it offered "rights lite," a package less threatening or disturbing than unadultered rights."* — Ricki Solinger.

If American regimes of biopolitics work to discipline subjects into perceiving themselves as rational individuals capable of self-regulation, then rights and the rhetoric of choice function within this regime as technologies that maintain the system and sediment its structures. In other words, by framing access to abortion through rights-based laws, we are disciplined to believe that we autonomously control our actions and

our options. As Lealle Ruhl suggests, "contemporary debates about birth control and fertility control are unique in their emphasis on *self*-control" (643). She argues, "There are two aspects to the willed pregnancy: the individual dimension (a woman should be able to control and space her births) and a collective dimension (which populations are bearing how many children)" (643).[41] What Ruhl puts forth is a critique of birth-control that assumes a self-managing individual, that women's reproductive functions, like almost all other components of the body, should be regulated and controlled, and to do otherwise is to fail as a productive and responsible citizen. While Ruhl does not touch on how the rhetoric of rights and choice organize discussions of birth-control and abortion, I'd like to frame her discussion with a brief overview of how abortion rights and choice are subtended by American legal theory and are crucial to the technologies that manage populations and demarcate identity.

While pro-abortion feminists have challenged granting abortion through the rhetoric of choice, little has been written on the critique of abortion as women's right. In fact, Drucilla Cornell has adamantly stressed the necessity of maintaining the right to abortion on the basis of psychoanalytic individuation. Arguing against the rhetoric of "choice" and control in pro-abortion discourse because it separates the self from the body as though women could prevent unwanted pregnancies simply through desire, Cornell argues for more emphasis in state-controlled abortion intervention through legislating rights. Using a Lacanian model of the body that is individuated and universal, Cornell perceives women as united through the ability to conceive (35). Thus she argues for abortion rights on the basis of sexual difference—difference that sets up a binary between

[41] In this chapter I pick up the individual dimension to lay some groundwork for discussing the collective dimension, which will be elaborated on in chapter three, "Bad Girls and Biopolitics."

what constitutes the female versus the male. Without delving too much into both the feminist and queer theory that has deconstructed this position over the last two decades, what Cornell problematically assumes is that all women can conceive (or even desire to conceive). Published in 1995, her work already postdates the advancements in reproductive technologies that would assist infertile women to become pregnant,[42] but also alter the link between sexual reproduction and woman's domain as new possibilities for reproduction (such as cloning, for example) emerge. Thus Cornell's claim that her argument is universal has (always) already been undermined.

Furthermore, Cornell argues that abortion must be made legal as a means to establish bodily integrity for women. She cites testimonials of women who have undergone illegal abortions and experienced a splitting of self as a result of the procedure. Although Cornell acknowledges that "bodily integrity always remains imaginary" (46), she still insists that for a self to exist this imaginary projection of being whole must be created. However, Cornell's language seems to effortlessly merge with exactly the rhetoric she argues against; recent anti-abortion activists have conversely insisted that abortion must be outlawed because the procedure literally dismembers women, destroying their sense of self by stripping them of a function that defines them as women.[43] Thus Cornell's logic is slippery because it appeals to an unstable construction of women as reproductive bodies that can and do imagine themselves as whole only when

[42] The first "test-tube" baby (Louise Brown), for example, was first born in England in 1978. In the U.S. the procedure was successfully first performed in 1981.

[43] For example, in the 1992 Supreme Court Case, Planned Parenthood v. Casey, even as it upheld Roe v. Wade, decided that state laws requiring twenty-four hour waiting periods, "informed consent" (meaning, in many cases, that a doctor had to inform the patient that she was terminating a life), and parental notification were deemed constitutional. All of these clauses were supported by anti-abortion activists who believed that they would mitigate the harm women caused themselves (and the fetus).

access to abortion is made available. Furthermore, Cornell's insistence that women desire (or are capable of attaining even in an imaginary realm) "bodily integrity" is in itself a privileged understanding of the body. In a misreading of Judith Butler, Cornell assumes that "matter" doubly implies having significance *and* a materialization that "take[s] on reality while also carrying an implicit normative assessment" (34). Cornell neglects to mention that matter, or mattering, is also always processual, that in fact the body as matter can never be understood as stabilized but as always in a changing and relational movement to its environment and external forces.[44]

Similarly, in a more recent argument, Ricki Solinger has defended abortion rights through critiquing the rhetoric of choice, as the epigraph to this section suggests. Tracing the history of choice in abortion discourse, Solinger points to how the language of "choice" did not crop up until the early 1970s, primarily after the Roe v. Wade decision that explicitly made abortion legal through granting women *the right to choose.* Solinger argues that choice became an easier way of selling abortion; it "became *the* way liberal and mainstream feminists could talk about abortion without mentioning the 'A-word'" (5). Implicit in Solinger's arguments is a mourning for the language and power of rights, which is not "lite," and which, she suggests, would have the power to grant women access to abortion in a way that does not evoke market resources, competition, and individualism, as the politics of choice does. However, as I point out earlier in note two to this chapter, I often use the terms "rights" and "choice" interchangeably because I see them as equally implicated in individuating bodies and, more importantly, as creating a

[44] I use the term "mattering" here not exactly in the sense that Judith Butler puts forth in *Bodies That Matter*, but more along the lines of her critic, Pheng Cheah, who argues that we must see bodies as mattering—as not stagnant compounds of molecules, but as in constant movement and change, interacting with other matter. Thus literally understanding matter, and mattering, as always a verb.

discourse of *responsibilization*; in other words, because both rights and choice are granted (and in fact, choice is often just depicted as one kind of right, as in *the right to choose*) based on assumptions of well-disciplined subjects. Those subjects that exceed the norms of *responsibilization* also exceed the limits as recipients of the right to choice. More specifically, if a subject doesn't act "responsibly," or is deemed incapable of being fully responsible for her actions, then the right to choice can be taken away from her.[45] Hence, Comstock can argue that certain bodies should be controlled at the expense of others and, as I will demonstrate in the following sections, Sanger can argue that certain women should not be granted the right to self-control while the thrust of her argument is based in a rights and choice discourse.

Thus while both Solinger's and Cornell's critique of choice and defense of rights are intriguing, both their arguments are too often based on false assumptions about the body that fail to account for its volatility and movement. In a more convincing argument, Rosalind Petchesky also critiques the rhetoric of choice but through a juridical discourse that makes no assumptions about bodily or legal integrity. In her preface to the revised 1990 edition of *Abortion and Women's Choice: The State, Sexuality, and Reproductive Freedom*, Petchesky stresses that the abortion debate must be taken outside the rhetoric of "individual choice" if we are to discuss abortion honestly within its implications for divisions of race, class, and gender (xxv). Unlike Cornell, Petchesky acknowledges that reproduction "is social and individual at the same time" (2). In a compelling Marxist critique against the rhetoric of choice in abortion discourse, Petchesky points out that choice is problematically rooted in an individuated understanding of the body. She

[45] An example of this in contemporary abortion politics is the passing of laws in several states that deem women under the age of sixteen (or eighteen, depending on the state) as incapable of choosing abortion as an option without guardian permission.

wonders whether feminists can construct language that neither denies women access to abortion nor exclusively frames it within liberal understandings of individuation. The right to abortion Petchesky argues, "seeks access to a necessary service, but by itself it fails to address the social relations and sexual divisions around which responsibility for pregnancy and children is assigned. In real-life struggles, this limitation exacts a price, for it lets men and society neatly off the hook" (7). Furthermore, "choice" is a problematic framework in certain conditions, as in Petchesky's example of a Native American woman who may have been historically subjected to measures that attempt to regulate her fertility and is now being asked when she enters a clinic for pre-natal testing whether she would like an abortion.

Mary Poovey extends the critique of the liberal notions of individuality on which abortion discourse is based. Poovey explains, "the abortion debate is about what it means to accept—or reject—the notion that there is a 'natural' basis for individual identity and therefore for individual rights and sexual identity" (243). For Poovey, the system of law that assigns us rights as individuals is problematic because it assumes that the existence of those rights precedes the existence of the law. Instead, she suggests that the law actually creates what it claims to recognize. She later points out, "In the mouths of anti-abortionists, 'choice,' 'privacy,' and 'rights' invert effortlessly into their opposites, precisely because, regardless of who uses them, these terms belong to a single set of metaphysical assumptions" (249). Those assumptions include the idea that there is some kind of pre-existing truth underlying the law—this so-called truth changes, of course, depending on one's subject-position. Thus, both Petchesky and Poovey begin to contribute to a critique of abortion rights that like Brown's and Spivak's analysis

demands that access to abortion be considered politically[46]—as rooted in particularity and not as granted through the so-called universalizing discourse of rights.

Margaret Sanger's and Anthony Comstock's work, while seemingly professing conflicting political paradigms, actually both share a rights-based discourse that works to manage bodies and populations. Comstock's opposition to abortion mirrors Sanger's similar position, as I will show in the next section, because both are invested in constructing laws that discipline subjects into individualizing and moralizing persons that if properly trained *should* be capable of self-control. As Foucault argues:

> it was life more than the law that became the issue of political struggles, even if the latter were formulated through affirmations concerning rights. The "right" to life, to one's body, to health, to happiness, to the satisfaction of needs, and beyond all the oppressions or "alienations," the "right" to rediscover what one is and all that one can be, this "right"—which the classical juridical system was utterly incapable of comprehending—was the political response to all these new procedures of power which did not derive, either, from the traditional right of sovereignty. (145)

Thus Foucault demonstrates that the language of "rights" as it emerges in biopolitical regimes actually functions to mold life rather than to preserve the sovereign's power. However, it is through laws concerned with rights that the issue of life—and always an individuated life—becomes foregrounded; in fact, it is precisely through the emergence of rights-based laws that the concept of an entitled subject capable of self-regulation emerged, or in the inverse example, incapable and therefore legally stripped of "choice." In the next section, I will explore how Sanger's politics are similarly invested in this

[46] For a discussion of what I mean by "politically" see footnote twenty-seven in this chapter.

biopolitical regulation and thus work to maintain an imagined (white) America.

Margaret Sanger and the Codes of Racialized Reproduction

> *Knowledge of birth control is essentially moral. Its general, though prudent, practice must lead to a higher individuality and ultimately to a cleaner race.*
>
> –Margaret Sanger *(Birth Control Review* 2:2)

While much has been documented about Sanger's investment in eugenics and birth control, relatively little has been written about her fluctuating stance on abortion. Perhaps opinions on Sanger are so polarized—her work elicits either stringent criticism for its racism or effusive praise for its efforts in legalizing contraception—that her more ambivalent positions that neither fit into contemporary mainstream feminist arguments nor anti-racist nationalisms are elided.[47] Ellen Chesler argues that Sanger dissociated abortion from contraception to make her arguments for birth control more palatable (300). However, Chesler also notes that Sanger set up a discretionary fund for women who came to the clinic seeking abortion. Although the clinic legally had to turn them away, referrals were made to doctors who would perform therapeutic abortions,[48] and often the cost of the procedure would be covered by Sanger's clinic. Still, Chesler adds that at least one woman was referred to an illegal abortionist, when the clinic knew that she would not qualify for a therapeutic one. This kind of referral was strictly against the clinic's policy because if police knew of this infraction they would quickly shut down the

[47] For example, a google search for "Margaret Sanger" turns up Planned Parenthood sites praising their founder for work to make birth control accessible as well as feminist organizations holding Sanger up as a role model for women, while also revealing sites that villainize Sanger, accusing her of racial genocide for her involvement in the American eugenics movement.

[48] Therapeutic abortions were commonly given in the U.S. in the years before Roe v. Wade if a woman (or more commonly, her doctor) could demonstrate that carrying her pregnancy to term would severely impact either her physical or mental health.

center. Chesler documents that on several occasions Sanger circulated memoranda reminding doctors that abortion referrals for un-therapeutic reasons were illegal and could not be made. Still, Chesler supposes that the repeated circulation of these memos suggests that the rule was consistently broken (302).[49] Despite illicitly helping pregnant women who sought abortion, Sanger denounced abortion for most of her career, including the span of *The Birth Control Review*'s publication. Chesler argues that Sanger took this position because "In respectable circles, illegal abortion was universally condemned as primitive, dangerous, and disreputable" (271). However, Chesler's biography is also deeply invested in portraying Sanger within a second-wave feminist paradigm that is adamantly pro-abortion. A closer look at Sanger's writings on abortion reveal a more complicated position.

As Joan M. Jensen has shown, Sanger's evolving position can be seen in *Family Limitation,*[50] a pamphlet that provided information for women about contraception, sex, and, in the early days of its publication, abortion. Initially printed in 1914, the pamphlet went through several revisions, including one in 1921 that expurgated information about abortion techniques. From the first to ninth edition, Sanger advised women in the early stages of an unwanted pregnancy to take quinine to "restore the menses." However, she warned that this procedure might not work past the first month of gestation, and that women further along should consult a doctor (*Letters* 88-9 and 359). By the tenth edition Sanger had omitted this advice. Jensen argues that the pamphlet began as a practical manual for working-class women, but that it eventually changed its approach to appeal to

[49] Sanger's clinic, which eventually became known as Planned Parenthood, would not offer abortions or referrals to abortions until 1970 when anti-abortion laws were repealed in New York City.
[50] "Family limitation" was Sanger's early description for what she later named birth control.

middle-class women seeking family planning advice. Jensen sees this shift in position as reflective of Sanger's move to more right-wing politics from her earlier socialist-inflected stance. In the years following the end of World War I socialist organizations such as the IWW were consistently attacked and slowly dismantled. As institutionalized support for birth control from radical organizations waned, Sanger approached middle-class suffrage organizations and other liberal feminists for financial and political support. Additionally, *Family Limitation* faced threats from postal censors, who under the 1873 Comstock Act deemed the material obscene and inappropriate for public circulation. Thus, Jensen argues that the combination of political changes and personal hardship pushed Sanger to revise the tenth edition of *Family Limitation* so that no references to abortion, either direct or oblique, were included.[51] Jensen views these edits as purely pragmatic: Sanger needed a new source of funding, and she found one most readily in a more conservative middle-class.

However, Sanger's personal letters to friends and political associates reveal a different story, one that suggests that her stance on abortion changed as she became more concerned with medical issues, health, and what was then popularly called dysgenics—the passing on of negative traits to progeny. In a letter to her friend and activist ally, Marie Stopes,[52] Sanger reveals her ambivalent feelings about abortion. She confides to Stopes that she understands that women resort to seeking abortion out of desperation, but she also stresses her firm belief that once contraception is legal and accessible the necessity for abortion will be eliminated (*Letters* 164-66). Thus she justifies her

[51] Jensen acknowledges that her theory is speculative since the eighth and ninth editions of *Family Limitation* are missing, perhaps with important clues to Sanger's seemingly new position on abortion.
[52] Stopes was one of the leading birth control activists in early twentieth-century England.

demonization of abortion as a practice that will soon become null if her efforts succeed. By the time she started publishing *The Birth Control Review* she was intent on putting forth her anti-abortion position, and her tactics were so forceful that it is difficult to justify them as an attempt to please an anti-abortion public. In November 1917 Sanger wrote a letter to the editor at *Medical World* expressing her dismay that the American Medical Association approved of laws that allowed women access to abortion if continuation of the pregnancy would severely impact their health. Sanger angrily wrote that "abortion laws were broad enough to allow in such cases a 'duly licensed physician' to perform an abortion in order to save the life of either the women or the child. It all seemed such a chaotic state to me—that it was perfectly legal to go thru the sufferings of an abortion, but illegal to prevent conception" (*Letters* 199).[53] This was a position she would put forth in many of her arguments against abortion in *The Birth Control Review.* Furthermore, she widely publicized stories about the "dangers" of abortifacients—she believed that if a woman did not successfully abort her pregnancy using these drugs that the fetus would be negatively impacted and the woman had a high chance of giving birth to an infant with defects.[54] She continually stressed that her opposition to abortion was based on health factors, citing statistics (often miscalculated) about the number of women who died during or after the procedure (*Letters* 381).

In reading Sanger's work, Lealle Ruhl points out that Sanger's fight to legalize birth control rests on two separate platforms: On the one hand she argues that until birth control is accessible women cannot be free and equal citizens. Birth control is a feminist

[53] Allowing women access to abortion if the pregnancy presented a risk to the health of the woman (physical or mental) gave rise to the term "therapeutic abortion," which was legal in the US until Roe v. Wade made all abortions legal.
[54] See Sanger's *Women and the New Race* (126-27).

issue. Yet, on the other hand, she also stresses that birth control is necessary to prevent overpopulation, especially since "dysgenic types" tended to produce the most children (654). In an essay in *The Birth Control Review*, Sanger demonstrates this position when she argues, "the most urgent problem today is how to limit and discourage the overfertility of the mentally and physically defective" ("Eugenic Value" 5). Ruhl notes the slipperiness between these two positions—one demands that women have the freedom to control their bodies, whereas the other argues for the medical management of "unfit" women and their reproductive functions. Subtending these positions, Ruhl sees Sanger as putting forth an argument about responsibility: Women "need to uphold their end of the bargain of reproductive freedom: contraception in exchange for a guarantee to act "responsibly" where reproductive decisions are concerned… To act responsibly means to conform to an essentially middle-class, educated, and scientifically oriented worldview" (656). Ruhl also adds that Sanger had complete confidence in leaving the regulation and distribution of birth control in the hands of doctors. Sanger's contradictory programs point to the slipperiness of the language of rights, choice, and control. Rights and choice are *granted* to individuals when they can prove themselves to be responsible citizens, abiding by certain normative conditions. And as demonstrated most clearly by current federal abortion laws that set age limits on who can responsibly seek an abortion without guardian permission and that force women to view fetal ultrasounds so that decisions can be *responsibly* made,[55] the discourse of self-control itself disciplines subjects into normative categories. In Sanger's writings, abortion comes to represent irresponsible and reckless behavior, meant to highlight how the use of contraception can

[55] See for example, Webster v. Reproductive Health Services (1989), Hodgson v. Minnesota (1990), and Ohio v. Akron Center for Reproductive Health (1990).

construct a self-controlled woman, one who can responsibly choose when pregnancy occurs. Sanger, like Comstock, is invested in constructing a discourse that manages and disciplines bodies. Furthermore, like Comstock's investment in upholding and maintaining the nuclear, white middle-class family as the model of American life, Sanger too idealizes whiteness and class status in her constructions of familial and reproductive norms. Thus the contradictions Ruhl points to in Sanger's politics are no longer in conflict through the logic of a biopolitical regime that proclaims liberation through the management of bodies. Subjects *should* be properly disciplined and if they refuse to be, they are abnormal and need to be managed or they pose a threat to the supposedly well-managed, properly demarcated American. The next two sections will look more specifically as Sanger's eugenic influences and ideologies and at their challenges through a reading of Angelina Weld Grimké's fiction.

The Birth Control Review and the House Built on Sands

> *God speed the day when the unwilling mother, with her weak, puny body, her sad, anaemic, unlovely face, and her despondent whine, will be no more. In that day we shall see a race of American thoroughbreds, if not the superman.*
>
> -—Anna Blount (*Birth Control Review* 2:1)

The Birth Control Review was first published in February 1917 as a simply formatted periodical to be used as a political tactic in the quest to legalize birth control. The first few issues, which were usually about twelve pages, were clearly the product of a grassroots organization with little financial support. And in fact, shortly after the journal began its publication, it was forced to suspend its work for six months because of a lack of funding. At first the journal mainly published polemical essays by known birth control

activists like Havelock Ellis and Elizabeth Stuyvesant, as well as desperate letters from women seeking birth control help (only as a means to demonstrate the dire situation), but at the start of its second year it broadened its publication scope to include short stories and poetry, and eventually added disturbing photo essays depicting dysgenic "types" overrun with children. From the start, the journal was clearly invested in promoting the politics of eugenics; almost every issue mentions eugenics and/or has an article featuring the topic. The journal's third issue (April/May 1917) was entirely devoted to the topic of "Birth Control and Eugenics" and featured an editorial that argued with eugenicists who viewed birth control as "the opposite of eugenics." Instead the editorial appealed to those eugenicists and eugenics-oriented readers by arguing that birth control would allow parents to focus more on their existing children and "properly raise them" (6). Consciously aware that some eugenicists would argue that biological inheritance determines all characteristics, so it does not matter whether an "unfit" parent has one or ten children, the article attempted to convince readers that birth control would at least mitigate the problem and perhaps make the rearing of dysgenic children easier. In later essays on eugenics, Sanger would also proclaim her support for sterilizing the "unfit," which she saw as a separate issue from accessible birth control. However, Sanger also distanced herself from eugenicists who argued that woman's first duty is to reproduce for the state. In February 1919, in an article entitled "Birth Control and Racial Betterment," she strongly states that if eugenics is to succeed it must rely on birth control and change its position on voluntary motherhood. She writes that birth control activists contend that woman's first duty is not to the state, as eugenicists believed, but "that her duty to herself is her first duty to the state" (11). She continues to insist that birth control is the necessary

foundation for eugenics, and in an elaborate gesture she ends with a compelling metaphor, arguing, "Eugenics without Birth Control seems to us a house builded upon sands. It is at the mercy of the rising stream of the unfit. It cannot stand against the furious winds of economic pressure…" (12). As Sanger's metaphor suggests, one of *The Review*'s most strident goals was to irrevocably link the issues of birth control and eugenics.

By March 1919, Sanger was clearly gaining more mainstream support as advertising began appearing in the journal; first in support of other similar-minded periodicals, and eventually, in the 1920s, selling household goods, books, sex advice, and other various self-help products. The 1920s also saw a rise in articles about a coming world crisis that accurately predicted the stock market crash in 1929 and an almost international economic depression. *The Birth Control Review* always maintained its founding intent—promoting birth control and its legal dissemination—but it also dealt with significant political events and was surprisingly broad and international in its focus. The journal covered the end of World War I and was deeply connected to world politics in Europe and Asia. In 1921 Sanger traveled to China and Japan, and the journal carefully documented her journey with news about the countries and their population growth. The journal was also filled with notes from the "masses," in the form of reports from anonymous nurses, letters from women looking for help in controlling their fertility, and case studies conducted by sociologists. It was also committed to supporting monogamous heterosexual marriages, prudent sexual practices, and a Christian morality. In fact, every few years the journal would publish an article arguing that using birth control was morally responsible. As Sanger argues in the epigraph to the last section, she believed

birth control to be a morally responsible choice primarily because it would supposedly lead to a whiter, more fit humanity.

Abortion was less commonly discussed in the journal, but Benzion Liber, a Jewish doctor and an editor of a Yiddish monthly, published the first article directly concerned with abortion shortly after the journal's conception with the April/May issue of 1917. In his article, Liber confesses to feeling guilty when a young couple, already the parents of five children, approached him asking for an abortion. He writes, "Of course, they want me to interrupt the pregnancy, something I will not do. I really should do it but I cannot, I am too much of a coward" (7). He shamefully refers the couple to other doctors who might help them, acknowledging that "more than fifty percent of our doctors, including many who officially are against what they call 'criminal' abortion and many who vote for resolutions condemning the birth control movement, perform abortions" (7). While Liber's refusal to perform an abortion seems to be more about his personal discomfort with the procedure than an outright condemnation of it, his story is the first among many that chastises doctors for agreeing to perform abortions while not offering women access to contraception. Liber's story ends with a suggestion that the couple try to prevent future pregnancies, but the woman responds with confusion, while the man seems to think that Liber is suggesting abstinence; legally, Liber is not able to give them further advice.

Surprisingly, abortion is not mentioned in the journal again for another year, until the May 1918 issue with Anna Steese Richardson's article, "Birth Control and the

War."[56] Richardson responds to the war-driven mania that rallied women to have more children. Instead, in the tradition of Sanger, she calls for voluntary motherhood and the right to have fewer but healthier children. As a feminist journalist and editor of *Woman's Home Companion*, Richardson often received letters from women describing their situation. In her essay Richardson quotes from several, focusing on women who described their experiences with abortion. In one letter a woman writes:

> If I cannot carry a child to full term, then why in the name of all that's merciful, doesn't my doctor do something to prevent conception? I have just gone through the revolting experience for the third time. Abortion or death! Why not prevention and some sense of security in living? My doctor replies that birth control is illegal. But he is licensed to perform therapeutic abortion. My soul burns at the injustice. Am I to be a woman condemned to fear and suffering, or will the Birth Control League set me free? (3)

Richardson's article is careful in separating birth control from abortion, through associating abortion with death, immoral doctors, and ensuing health problems, while birth control is always presented as the inaccessible cure for all miserably reproducing women.

Richardson's article explicitly disciplines her readers by citing a story about a conservative friend, a "woman of intelligence, leader in club, civic and war relief work," who, Richardson tells us with a tone of shock and exasperation, "did not know the difference between criminal abortion and birth control" (4). Richardson informs readers that this confusion has been intentionally constructed by "the enemies of physical

[56] Richardson (1865-1949) was a playwright, journalist, and editor. For several years she worked as editor to the popular journal, *Woman's Home Companion.* She was sympathetic to Sanger's cause as well as to other feminist issues.

emancipation for women" (4). However, the insistence with which the journal separates the issues, continuously reminding readers not to confuse abortion with birth control, suggests, conversely, that most women associated the two practices because they led to the same desired effect and that few cared how that effect was ultimately achieved. For example, in an article in May 1920, Ella K. Dearborn, a doctor, writes an article dismissing the idea that birth control will lead to race suicide. However, she also refers to abortion and birth control as part and parcel. An editor's note intervenes to comment: "Abortion, however, must not be confused with Birth Control, which employs contraceptives and thus does away with the demand for abortion" (14). For Sanger, and her followers, abortion was just a symptom in a society that didn't allow women reproductive self-control. Once the disease was remedied and women were given choice, Sanger was convinced the symptom would in turn disappear.

Sanger's most explicit anti-abortion stance came in an article she wrote early in the journal's run, starkly titled, "Birth Control or Abortion?" (December 1918). Sanger opens her article by associating abortion with working class women; she argues that wealthy and middle-class women have discovered means to limit family size, to be voluntary mothers, while more working class women are denied "the knowledge of the safe, harmless, scientific methods of Birth Control" and thus limit their families "by means of abortion" (3). Sanger's disciplining tone, her juxtaposition of birth control as rational and safe with abortion as dangerous and volatile is the main focus for the article. She proceeds with a scientific explanation of conception, clinically describing how pregnancy occurs and then explicitly states, "When scientific means are used to prevent this meeting, and thereby to limit families, one is said to practice Birth Control" (3). She

cites a doctor to prove that abortion risks women's health, potentially causing "hemhorrage, retention of an adherent placenta, sepsis, tetanus, perforation of the uterus…sterility, anemia, malignant diseases, displacements, neurosis, and endometritis… " (4). And if this long list did not scare readers enough, Sanger also shames them by adding that the "hundreds of thousands of abortions performed in American each year are a disgrace to civilization" (4). Birth control, she argues, means "health and happiness—a stronger, better race," while abortion "means disease, suffering, death" (4). She ends by rhetorically asking, "*Birth Control or Abortion—which shall it be?"* (4), making clear that the division between the two is definitive and complete. Her logic, ultimately, is not about choice or self-control, although the illusion is built in, but about maintaining populations demarcated by race and class positions that are so well controlled they discipline themselves.

Tools of Reproduction and the Illusions of Choice

> *I am an instrument of reproduction!—a colored woman—doomed!—cursed!—put here!—willing or unwilling! For what?—to bring children here—men children—for the sport—the lust—of possible orderly mobs—who go about things—in an orderly manner—on Sunday mornings!*
> —Agnes in "The Closing Door"

In September 1919 *The Birth Control Review* published two works of fiction, an unusual move in a journal with limited space and which normally dedicated itself to political writings. The African American playwright Mary Burrill wrote a one-act play (on "Negro Life" the sub-title informs) entitled "They That Sit in Darkness" and Angelina Weld Grimké,[57] also a playwright but here a fiction writer, published "The

[57] Angelina Weld Grimké published two short stories in *The Birth Control Review*, the second is entitled "Goldie." Named after her somewhat more famous aunt, Angelina Grimké Weld, the nineteenth-century feminist and abolitionist, the younger Grimké has an unusual history given the

Closing Door," a short story which would be serialized in two issues of *The Review.* While not advertised as such, the issue seems to focus on African American life in the South, also including an essay by Chandler Owen, co-editor of the African American periodical *The Messenger.* Owen's essay, titled "Women and Children of the South" looks primarily at African American women, arguing that the reason they marry early and reproduce frequently is because they have few outlets for pleasure, and so marriage and sex are taken up as distractions and amusements (9). Owen compares these women with African American women living in northern cities, who, he argues, are more educated and have fewer children. While not definitively making any claims, Owen's article, filled with statistical figures, seems to suggest that northern women should be reproducing more and poor southern women need to learn their birth control secrets.

Burrill's play, written especially for *The Birth Control Review,* has a similarly flat-footed message. The play centers on Malinda Jasper, mother to eight living children, some with obvious physical ailments like withered limbs. The younger children are described as "a crest-fallen, pathetic looking little group—heads unkempt, ragged, undersized, underfed" (6). Pinkie, one of the older daughters, has already left home after she became pregnant out of wedlock. From the start of the play, Malinda is portrayed as an exhausted, overworked mother who can barely support her children. Her husband is forced to work all day to bring in a barely sufficient wage. Her eldest daughter, Lindy, plans to enroll in Tuskegee, a life-long dream of hers after an encounter with Booker T. Washington when she was a small child. The play is framed by a visit from Elizabeth

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conditions of early twentieth-century America. Her father was Angelina Weld's half-brother, the child of their shared father and his slave. Weld invited her half-brother to live with her up north and provided for his education. He eventually married a white woman, Grimké's mother. However, when still a child Grimké's mother abandoned her daughter and returned to live with her family, leaving Grimké to be raised by her father.

Shaw, a visiting nurse and the only character who doesn't speak in the supposed African American dialect written for Malinda and her children. Elizabeth comes to urge Malinda to stop working or she will face death; tired from giving birth to more than eight children in almost as many years and frantically trying to support them, Malinda is portrayed as sick and weak. Malinda explains her hard luck by accusing God of punishing her; but Elizabeth pleads with her to stop having children. Malinda replies: "But whut kin Ah do—the chillern *come*!" (7). She has no ability to control her reproduction and no means, according to the story, of seeking this information. When Malinda pleads with Elizabeth to give her birth control, Elizabeth responds, "I wish to God it were lawful for me to do so! My heart goes out to you poor people that sit in darkness, having year after year, children that you are physically too weak to bring into the world…" (7). Elizabeth refuses to provide Malinda the needed information.

By the end of the play, Malinda is unable to survive her life's hardship and dies, leaving Lindy to care for her siblings and give up her dream of Tuskegee. Burrill's play neatly fits into *The Birth Control Review*'s political agenda: it portrays working-class and poor women as having little choice and control over their lives as a result of their inability to become voluntary mothers. It depicts an overworked mother with dysgenic children, a paradigm Sanger often described in her arguments for birth control. Sanger believed that the more children poor women had, the more likely those children would have physical and mental disabilities. Like Shaw's essay, Burrill's play argues that large families were the underlying cause of poverty, ignorance, and sickness. Given the context of Shaw's and Burrill's work, Grimké's contribution is surprising in its more complex handling of racism and reproduction. "The Closing Door" opens up on a false note of

happiness and freedom, so much so that the race of the characters is at first only alluded to in the subtext. Agnes, the protagonist, is described as Spanish or Italian-looking, as though she has been thoroughly assimilated into a white culture that has accepted her or is on the verge of accepting her. And Jim Milton, her husband, is described as a brown, attractive giant, which is also an ambiguously raced description. At the start of the play, Agnes and Jim are a content middle-class couple, who are able to live comfortably and even put some money aside. Grimké's story, however, soon spirals downward, beginning with the narrator Lucy's pessimistic foreshadowing the end of Jim's and Agnes' ephemeral happiness.

Laura Dawkins and Joyce Meier ground Grimké's writings in the era of the Harlem Renaissance when black writers were both claiming a space for their writing and growing more aware of the crippling and inescapable nature of American racism. Meier writes that Grimké's work reflects "the reality of the black woman who refused participation in a racist and patriarchal system by refusing motherhood" (117). In her essay Meier doesn't address "The Closing Door" but a play that Grimké wrote and produced in 1915 called *Rachel.* In it Rachel refuses to become a mother after she realizes the racist and disabling conditions under which she would have to raise her children. The play depicts her metaphorically denying the birth of her future children, and as a result many critics accused the play of advocating the genocide of African Americans (120). Dawkins, however, reads the figure of infanticide at the hands of the black mother as a means of asserting black women's agency (225). She writes that Grimké, and other black women writers of the era, "suggested that the Victorian maternal ideal was an instrument of oppression rather than a source of spiritual motherhood,

trapping the black mother in an inevitable martyrdom" (226). Thus infanticide, according to Dawkins, should be read metaphorically, as a means of subversion and an assertion of agency. While this framework provides a compelling reading, I'd like to add to Dawkins's analysis a critique of choice that challenges her commitment to agency, and which will be further elaborated through my reading of the story.

The trope of happiness frames "The Closing Door." As the story opens Lucy, the narrator, describes Agnes and Jim as the only truly happy people she has ever met. Happiness, of course, resonates as integral in the U.S.'s founding document, which declares the country's independence; all Americans should have the right not only to life and liberty but also the pursuit of happiness. In the picture Lucy presents, Agnes and Jim seem to maintain all three. However, when Agnes finds out she is pregnant she is overjoyed with the news, but she tells Lucy, "I'm—I'm just a little afraid, I believe…there's—such—a thing—as being—*too* happy,—*too* happy" (130). Her happiness then is mediated by the fear that she somehow doesn't have the right to happiness, or at least this much happiness; this questioning is the beginning of her realization that as a black woman, given the rampant racism in the U.S., her lasting happiness is ultimately an impossibility. And as the story unfolds it becomes clear that Agnes' happiness is indeed predicated on forgetting certain aspects of her existence. For example, when her brother Joe comes up to visit he describes the weariness he feels as a result of riding segregated Jim-Crow cars as he made his way through the South to visit Agnes in the North. Agnes responds with a sudden awareness and admits, "I'd forgotten. I've been away so long" (135). From this moment in the story Agnes is forced to begin remembering what it means to live as a black American.

Joe has come to tell Jim the truth behind his brother Bob's death; he also wants to warn Jim that Agnes must not find out what happened. As he explains the story behind Bob's horrific lynching he begins by telling Jim, Lucy, and the hidden Agnes that "You don't know, I suppose, that there is an unwritten law in the South… " (138). This unwritten law states that all blacks must step off the sidewalk when a white person approaches, and if they refuse to obey retribution will be enacted—a violent disciplining. Saidiya Hartman explains this paradigm as "the burdened individuality of freedom." She contends that "the nascent individualism of the freed designates a precarious autonomy since exploitation, domination, and subjection inhabit the vehicle of rights" (117). In other words, or using Joe's words, it was not the law that was subjugating blacks, as when slavery was legal pre-1865, but it was the "unwritten law" that ensured that the freedom of American blacks was regulated through various means (lynching being one) so that this freedom was always "precarious" and dependent on the whims of a white hegemony. Thus Hartman asserts that the separation between slavery and freedom is more tenuous and less definite.

Agnes unravels after eavesdropping on Joe's news and spends the rest of her pregnancy in bed. She laments to Jim and Lucy her naïveté in mistaking that she could have been happy, could have lived out her dream of motherhood. She cries that she is "an instrument of reproduction!—a colored woman—doomed!—cursed!—put here!—willing or unwilling! For what?—to bring children here—men children—for the sport—the lust—of possible orderly mobs—who go about things—in an orderly manner—on Sunday mornings!" (140). When her child is born she expresses surprise that he is not dead, suggesting that she may have taken unsuccessful steps to ensure a stillbirth or abort

the pregnancy. She refuses to touch the baby and be near it; in fact, the only two times she touches her son are in her two attempts to kill him. Her second attempt is successful, and she kills the baby by smothering him. As Agnes' cries demonstrate, she sees herself through the lens of a white world that views her role through her ability to reproduce. However, she is no longer enslaved so her children have no material value in terms of producing wealth for the slave owner. Still, as she points out, her children, and specifically her male children, will be used to maintain white supremacy through their denigration and manipulation in a white world. The power relation she perceives is not all that dissimilar to the one that existed during slavery, where slave owners abused and denigrated their slaves to maintain a rigid hierarchy. The difference in the situation that Agnes points to is that the hierarchy is no longer inscribed in law but through unspoken social relations.

While I agree with Dawkins' reading that in Grimké's story "Black motherhood serves as a paradigm for maternal loss and pain" (230) the story should also be read as Agnes' inability to exert choice in a society that has reinscribed the status quo of slavery through a new social code. Like Linda's decision to have children with a man she doesn't love as a means to resist a man she detests in Harriet Jacobs' *Incidents in the Life of a Slave Girl*, Agnes' decision to kill her child is ironically both a means to assert control and an acquiescence to the fact that neither she nor her child will have control, or the access to choice, given their social conditions. Thus her action is a recognition that she is not a liberal citizen; if she tried to practice self-control it would be precisely to give in to the conditions of the state. Or as Linda might have described it: Agnes' infanticide was a

reckless action in response to a condition where choice is always already exposed as an impossibility.

Daylanne English, contributing toward a scholarship on black women's playwriting in the early twentieth century, points to how Grimké's fiction posits a critique of "the ways that social Darwinist and eugenic thinking is at best irrelevant, and at worst both morally and scientifically backward—given the racial injustice, white hegemony, and racial terrorism of the 1910s and 1920s" (125). Grimké's open dismissal of eugenic thought is striking given that her stories were published in *The Birth Control Review*, a self-proclaimed eugenicist publication. However, as English also notes, Grimké's writings were seen as contributing to a critique of black oppression, particularly as it affected middle-class and wealthy African Americans. She argues that Grimké's play *Rachel*, which is narratively similar to "The Closing Door," demonstrates how "as long as black women are not free both to control and to express their sexuality and fertility, they will be oppressed; as long as black men are at risk of being lynched, they will be oppressed" (132). Thus, Sanger likely envisioned Grimké's stories as constructing a mirroring eugenicist genealogy for blacks; one where the "best" African Americans were encouraged to reproduce to help their race and where those African American should have "choice" when it came to controlling their reproduction.[58] Yet, Grimké's story is slippery, because it ultimately performs the opposing critique by exposing how the rhetoric of "choice" is always problematic because it is *given*. In other words, it demonstrates how individual control is always embedded in larger social forces that shape *who* has "choice" and what that choice contains. Similarly then, it returns us to the

[58] And in fact, W.E.B. Du Bois advocated this position. He publicly supported *The Birth Control Review*, and even published in it on a few occasions. See English for more information on Du Bois's involvement in eugenics and the ways in which it influenced his work and life choices.

language of abortion rhetoric, both in the ways it's discussed today and in Comstock's and Sanger's writing, and reveals how just as "choice" claims to open up opportunities, it also has the power of exclusion. And in fact, almost by necessity, the rhetoric of choice in abortion discourse always marginalizes populations just as it grants others access.

First Encounter: Final Thoughts

Sanger's first encounter with Comstock occurred in 1913 after Sanger had published several columns in *The Call*, a popular New York socialist daily; her column, "What Every Girl Should Know," gave women information on topics ranging from menstruation to masturbation and was one of the first explicit sex-manuals for women written by a woman. Comstock banned its circulation for several weeks citing it for containing obscene material. However, after relentless protests calling for First Amendment Rights, the publication was resumed (Chesler 66). Later Comstock prosecuted her husband, William Sanger for distributing materials related to birth control. However, during the trial Comstock fell ill with pneumonia, and eleven days later he died. In her autobiography Sanger attributes his death to William Sanger's release. She writes, "There was a terrific demonstration in Court which made the three judges turn pale & gave Comstock a shock from which he never recovered" (*Papers* 165). She writes about his death and her husband's acquittal with triumphant glee that points to how strongly she felt that Comstock was a major opponent in her fight to legalize birth control. And after all, her aim was not off because the Comstock Laws of 1873 inscribed some of her major legal constraints. Yet, despite this apparent opposition, this chapter

seeks to complicate the binary to reveal how many of Comstock's and Sanger's tactics were actually in alignment and dependent on each other.

The flashpoint here covers a rather long span of time, from Comstock's conservative polemics in the 1870s to Sanger's more liberal politics in the 1920s. Still, I see these distinct moments as constituting a flash because they reveal the limitations of a mainstream politics, both on the right and left, which is rooted in discourses of rights, choice, and individual liberties. As this chapter has demonstrated, Sanger and Comstock were committed to outlawing abortion by using two intertwined tactics. First, by arguing for the betterment of the race, which always implies whiteness and a certain class status. In Comstock's logic, if abortion were outlawed, then (white, middle-class) families, and specifically daughters, would be protected and preserved; in Sanger's logic, if access to abortion were regulated more diligently then people would see the need for the "cleaner" better "controlled" form of birth control, which would also ultimately lead to a better human race (that is, white and wealthier). Second, both activists appeal to a rights discourse—Americans have the right to be protected, to monitor their homes, and to maintain their individualism. Neither ask about the rights of those that present the threat, that contribute to an "unclean" America, and that destabilize the house built on sands. Through these silences their discourses reveal how problematic it is to support abortion using the rhetoric of rights and choice, which can so easily be reversed to argue the opposite.

CHAPTER THREE

Bad Girls and Biopolitics: Popular Fiction, Population Control, and Abortion Politics

A Historical/ Theoretical Prelude

> *Were the white world to-day really convinced of the supreme importance of race-values, how long would it take to stop debasing immigration, reform social abuses that are killing out the fittest strains, and put an end to the feuds which have just sent us through hell and threaten to send us promptly back again?* – Lothrop Stoddard

In 1922 Lothrop Stoddard, an ardent eugenicist and white supremacist, posed the rhetorical question that forms the epigraph to this section. His question does not have an ounce of irony, although a present-day reader might scoff at such a ridiculous attitude. In his time, and for almost his entire career, during which he published several polemical works on the subject of white supremacy, Stoddard was respected and heeded. Presidents Warren G. Harding and Herbert Hoover praised his work,[59] and Margaret Sanger asked Stoddard to join the board of the Birth Control League. Stoddard, who received his Ph.D. at Harvard, was viewed as a rational and scientific thinker, and the majority of reviews commenting on his work depicted him as such. Part of his appeal was that, unlike his predecessor Madison Grant, who was one of the founders of The American Museum of Natural History in New York and a well-known eugenicist, Stoddard praised all whites as superior to other races without singling out Nordics as Grant did.[60]

[59] See *The Great War: An Imperial History* by John Howard Morrow.

[60] In *The Passing of the Great Race; or the Racial Basis of European History* Grant makes some very unscientific claims about the different white races that make up Europe. The entire thrust of the book is to demonstrate how Nordics, a group he sees as originating in northern Europe, are

The motivation behind Stoddard's work is quite transparent: underlying his writing is a deep anxiety that whites will be soon be outnumbered in the U.S. He points out that around the world whites reproduce less than people of other races, which he believes would soon lead to the demise of whiteness, or, in his words, the "fitter race." As he passionately argues, "Everywhere the better types (on which the future of the race depends) were numerically stationary or dwindling, while conversely, the lower types were gaining ground, their birth-rate showing relatively slight diminution" (162). His relentless attack on these "lower types" eventually influenced the U.S. to pass the Immigration Act of 1924; the Act severely curtailed the number of people allowed to enter the country and laid out strict quotas detailing how many people from various countries would be allowed to enter the U.S. Every year, with some exceptions, only two percent of the number of a national population already residing in the U.S. would be allowed to immigrate.[61] The National Census of 1890 determined the numbers of immigrants from each country residing in the U.S. The Act's institution, which continues to influence immigration policy today, would be the most far-reaching accomplishment of both Grant's and Stoddard's racist diatribes.

Grant and Stoddard are part of a longer genealogy of thought that was first named "eugenicist" by the British scientist Francis Galton in 1883.[62] Galton, a cousin of Charles Darwin and influenced by his *Origin of the Species,* first posited his argument in

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superior to all other whites. While Stoddard concedes to this claim in *Rising Tide*, he makes it in a more minor passing point (162).

[61] If there were fewer than 100 residents of a given national population, then 100 was used as the minimum number. Therefore, from that country two people would be allowed to immigrate per year. A maximum quota was also determined that used a complicated ratio. See John Bond Trevor's 1924 *An Analysis of the American Immigration Act of 1924* for the complete Act and its rules.

[62] Galton coined the term "eugenics" from the Greek root meaning "good in birth."

Hereditary Genius, An Inquiry into Its Laws and Consequences (1869) where he claimed that genius is always inherited and thus runs through certain families and races. Through this argument, Galton wanted to institute an agenda of "positive eugenics," where families from "good stock" would be encouraged to reproduce so as to increase the number of fitter British citizens. In the U.S., Charles Davenport first adopted his ideas, but with a stronger emphasis on negative eugenics, which sought to isolate "weak" and "dysgenic" families so that measures might be taken to prevent their reproduction. By the early twentieth century, eugenics, particularly in its "negative" form, was implemented as an American science with researchers publishing case studies and numerous books, such as Henry Goddard's *Kallikak Family*.[63] I've outlined this fairly straightforward and abbreviated history of eugenics to illustrate how the American obsession with race in the early twentieth century was very much focused on building "knowledge" about how populations *differ* from each other, and how this knowledge about difference could be used to juridically control lives. As Catherine Mills succinctly argues, "the normalizing forces of racism, which allow for the biological fracturing of population and designating of some races as inferior, are the mechanisms by which a state is able 'to exercise its sovereign power'" (187). Or, to suggest a more specific example that is the central topic of this project, laws regulating and outlawing abortion can be passed (the exercise of sovereign power) *because* circulating racist ideologies have carved out antagonistic populations that are wary of the messiness of reproduction and its potential to erase population lines. Thus any law that works to control women's reproductive functions is welcomed within this climate of anxiety.

[63] For more on the history of eugenics see Harry Bruinius' *Better for All the World,* Dorothy Roberts' *Killing the Black Body,* and Daylanne English's *Unnatural Selections.*

While biopolitical theories are helpful for providing a language and grounding for the relationship between sovereign power and population control, the anthropologist Franz Boas had already recognized the connections between eugenic ideology, power, and the constructions of populations in the early twentieth century. Boas writes:

> Even if there is neither a biological nor a psychological justification for the popular belief in the inferiority of the negro race, the social basis of the race prejudice in America is not difficult to understand. The prejudice is founded essentially on the tendency of the human mind to merge the individual in the class to which he belongs, and to ascribe to him all the characteristics of his class. (392)

Boas' solution to what he understands as the cause of racism is a call to begin seeing African Americans as individuals and not as types. The shortcomings of this solution—for Boas never explains how this transformation could occur—and Boas' observation that people are more likely to be seen as ensembles rather than individuals actually gestures toward a theory of biopolitics because it understands that the regulation of persons is dependent on their schematic organization. Racism is one such organizing principle in that it divides and hierarchizes those individuals as a means to discipline them into their subject-positions. Thus what Boas does not take into account is that undoing the typification of individuals would first require an undoing of the rooted technologies of power that shaped American identity in the early-twentieth century and continues to shape us to this day.

Eugenics is obviously primarily concerned with populations; and the prime concern is making sure they are clearly demarcated, controlled, and regulated. As I have already argued in the previous two chapters, legislating abortion became one tactic for

securing the management of American populations. This chapter continues that argument by studying two popular novels that make eugenic anxiety and its ties to abortion politics apparent. Viña Delmar's 1928 novel *Bad Girl* was published shortly after the institution of the 1924 Immigration Act when anxiety about whiteness was especially elevated because of the recent waves of immigration to the U.S. I argue that the novel, with its vague observations about race, when read against its disciplining grain, reveals the popularly circulating eugenicist fears.[64] The chapter then closes with Christopher Morley's *Kitty Foyle*, published in 1939, which marks the beginning of World War II with its very real and wide-scale institution of eugenicist policies. *Kitty Foyle* is more complicated and yet straightforward in its treatment of race and abortion because by the late 1930s Hitler's racist diatribes and eventual actions had changed what eugenics meant both in the U.S. and in Europe. By the end of the war, polemicists like Stoddard and Grant would no longer be given the same prominent platform and *The Birth Control Review* would fold. Thus I see the two novels as experimenting with abortion and population politics in ways that expose an important moment in the history of American reproductive politics.

So what does it mean to read a novel about populations?[65] Novels are typically discussed as though they focus on individuals—there might be a protagonist, a villain, background characters. There are few works of literary criticism that read novels, and

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[64] A *New York Times* article reported that bookstores in Boston refused to sell *Bad Girl* because of "one pretty strong chapter in it" (10). Presumably, the *Times* article, which published shortly after the novel's debut, refers to the chapter where Dot visits the abortionist and is molested by him.

[65] For me, this question first came up during a colloquium I took part in Fall 2006 that looked at theories that moved away from dealing with how individuals are disciplined and into theorizations of population control. Special thanks to Patricia Clough for organizing the conviction seminar and introducing me to these ideas.

especially novels written for popular consumption, as actually being about populations rather than individuals or types. Yet, I would argue that novels written for mainstream consumption tend to be about populations and perhaps more importantly, they become mechanisms of regulating and demarcating the populations that read them. This chapter looks at two novels written in the early twentieth century that were both widely read and popularly received. Viña Delmar's *Bad Girl* was the fifth bestselling novel in 1928, according to *The New York Times* top ten bestselling works of fiction. And Christopher Morley's 1939 *Kitty Foyle* was the second most widely read novel of that year, according to the same source. Thus this chapter takes up the question of choice again, but this time to think about what politics of choice mean when we recognize that technologies of control and regulation no longer (if they ever did) privilege the individual. Second wave feminist criticism in the late 1970s to the early 1990s brought attention to women's popular fiction—novels and stories that were written specifically with a female audience in mind and sometimes by women writers. Critics such as Janice Radway, Tania Modleski, Madonne Miner, and Jennifer Scanlon argued that genre fiction aimed at women provided them a space for connection, or as Scanlon puts it, opportunities for "identification, escape, and catharsis" (139). And while I certainly think it might have provided many women with these emotions, particularly if they were white women with leisure time and access to books, I argue that popular fiction is also a means to shape women into subjects and to discipline them into their categorical positions.

Bad Girls and Class Desire

> *Birth control becomes the site from which to negotiate issues of identity, race, modernization, gender, and one's relationship to the past.*
> —Anne Balay (492)

Viña Delmar's 1928 novel *Bad Girl*[66] demonstrates the intersection of the individual and the social, and the tensions between reproduction, race, and class, which circulated at the time.[67] Her novel was extraordinarily popular in the few years following its publication,[68] and I believe this was because it both tells a story of individuated bodies, Dot and Eddie, and within this narrative a story about the regulation of populations, which itself works to regulate readers—to subjectivize them into its bourgeois discourse. As Richard Brodhead explains, focusing on popular novels from a century earlier:

> [T]he book seems to know just how "we feel" as subjects of disciplinary

[66] Delmar's novel, while currently out of print, was a huge bestseller when it was first published. It was also made into a play and an Oscar-nominated film in the year of its publication. I've chosen to focus on this novel because it nicely demonstrates the way shame and sexuality encompass both the individual and population, but also because it was "the book everybody read, whether he admitted it or not" (Rice 58). For more details see Meg Gillette's "Making Modern Parents" where she carefully documents the novel's reception in its time.

[67] I'm particularly referring here to the eugenics movement that gained strength after World War I, and encouraged the ideology that intelligence was inherited, that class and race position were genetically coded, and thus that certain populations needed to be managed through limiting their ability to reproduce, often through forced sterilization. A 1927 Supreme Court case, Buck v. Bell, provides an infamous example of these policies; Carrie Buck was sterilized without her consent because her "lower intelligence" made her an unsuitable candidate for reproduction according to the Court.

[68] In a *New York Times* review of books published in first six months of 1928, John R. Chamberlain writes of *Bad Girl*, "If the novel had been written before the wars commenced to rage over Zola back in the last century it would have marked a great date in literary history; as it is, it marks a minor date in the history of contemporary manners. The story is skilful, observant, and captures a mood in the life of a section of the metropolis that will be invaluable 100 years hence for those seeking bygone atmosphere" (BR2). While in the same review Chamberlain dismisses Claude McKay's *Home to Harlem*, his observation of *Bad Girl* feels quite prescient to me, as a reader who sought the novel precisely because of its glimpses of early twentieth- century American life.

> intimacy, indeed it brings those feelings to a high pitch of outrage and grief. But the interest it thus excites is the means by which the book involves us in its representations of *this same* disciplinary structure as sacredly founded and morally immitigable: it works such beliefs *in* us…through the feeling it calls forth from us." (47)

Similarly, *Bad Girl* works to invest its readers in Dot's and Eddie's acculturation into middle class mores precisely through allowing us to empathize with their miscommunications, struggles, and realizations. Thus, as readers, we are called into believing that Dot's and Eddie's disciplining structures are ours as well, that in fact, what they experience and how they behave are inscribed as immutable norms.[69] *Bad Girl* is particularly successful in disciplining its readers because it constructs Dot, the protagonist, as incredibly naïve and yet kind and likeable. When Dot does not realize that her friend Maude is conniving and ill-intentioned, yet as readers we do, we are invited to recognize Maude and her attempt to persuade Dot to have an abortion as malicious. Dot, on the other hand, innocently thinks that Maude just wants to protect her from the pain of childbirth. And through this process readers are emotionally aroused into not wanting Dot to abort her pregnancy because the only character pushing her to do so is portrayed as jealous and malicious.

Bad Girl follows the story of Dot Haley and Eddie Collins's relationship, from their initial encounter on a docked ship where a party for "the masses" was going on, to their marriage, to Dot's subsequent discovery of her pregnancy and the birth of her son. Both Dot and Eddie come from working-class backgrounds. Dot's father is unemployed,

[69] Admittedly, this disciplining was likely to be more successful in contemporary readers of the novel. Current readers might find the novel trite and dull precisely because its disciplinary apparatuses are outdated.

her mother is dead, and her older brother Jim supports the family. Eddie recalls accompanying his mother to her job as a cleaning lady; he refuses to talk about his father, presumably because of his shameful working-class behavior. The novel is in part the story of their slow rise in class position. When Dot realizes she is pregnant she hesitates to tell Eddie because she worries that he would not want a child; they are not quite financially stable, but more importantly, it would mean that any disposable income they may have would go toward the child. Eddie in turn senses Dot's hesitancy, and so feels wary of expressing any enthusiasm. As a result they both mistake each other's emotions, and Dot feels like she should obtain an abortion because it is what Eddie desires. While the novel reads like the simple story of a young couple, surrounding them are populations of people reminding them of who they are not.

When they visit Dot's friend Maude in an upscale part of town, Dot notes, "Here one would find no steps full of gossiping uncorseted Jewesses, no squalling, dirty-faced babies. The quietness of Alexander Avenue demanded quiet, and noisy, ill-bred families who came 'looking for rooms' were always repelled by the aloofness of the old brown houses" (34). This description demonstrates how the novel has already internalized a eugenic ideology that explains difference between populations. "Ill-bred families" shy away from Alexander Avenue not because they know they would not be welcomed, the prices of rooms would be too high, and the landlords would refuse to rent to them, but because a stronger force naturally repels them and distances them from houses where women properly wear corsets, babies are always clean and well-behaved, and families can trace their lineage back several generations through Anglo-Saxon ancestors. In the language of the novel, as in eugenic philosophy, the lines between raced populations can

never be crossed, even as Dot and Eddie can strive to move up into a more middle-class population. Later in the novel when Dot is placed in a sanatorium for two weeks to heal from the birth of her child, she notes that the clinic is surrounded by homes populated by African Americans. During her labor pains she can hear them laughing and singing outside (221). From her bed, she watches them through the window of her room; in the evening, she notes, "the house in back was just beginning to show signs of life. The negroes had slept the day away" (239). The people Dot watches are never named; they are a population differentiated from Dot and Eddie by their incapacity to be productive. While Eddie works hard to support his family, and Dot recuperates from childbirth, the community of African Americans wiles the day away. Yet Dot and Eddie are part of a population as well, composed of the white Anglo-Saxon middle class (or those striving to be middle class) who determine their individuality through differentiations from blacks, immigrants, and Jews *en masse*.

In an earlier scene, Dot and Eddie visit a Chinese restaurant, and for a few paragraphs the novel is focalized through its owner, Herbert Yet Sim Nom, who has consciously constructed the restaurant as a westerner's Orientalist fantasy. Yet Sim Nom also organizes his customers by type, but not ones dependent on a raced or classed position. Instead there are those customers who walk in and are awed by the décor and buy into its orientalist mystique; those who are indifferent to the scene around them and blindly consume their food; and those who are disgusted by the atmosphere he created. Eddie is an example of the second type and that most detested by Yet Sim Nom because his painstaking work of seducing his presumably white clientele goes unnoticed, whereas the naïve Dot is of course the first type, who falls in love with the place and its carefully

constructed romantic aura. Yet Sim Nom notices that Dot "wanted to be part of the swaying, squirming mass" (25)—the exact type of customer he wants his business to attract. He finds Eddie stupid and scornful for not sharing Dot's eager excitement. And yet Eddie is also the novel's modest hero because he is the mobilizing force in moving Dot into the middle class. In fact, later in the same scene Eddie compares himself to Dot's friend Maude, and for the first time "there was a middle-class oath forming in his brain. 'He'd be God damned if a woman of his would ever tell a filthy story'" (37). Thus the novel presents the white middle class as a break away from "the swaying, squirming mass," which seduces Dot so easily, but which Eddie recognizes as deceptively romantic and cheap. Through Eddie's eyes, Yet Sim Nom and the Orientalist mystique he constructs are dangerously destructive because they seduce naïve visitors into an un-individualized, badly behaved mass that disallows the move toward a comfortable middle-class existence.

The novel further disciplines its readers, which it presumes to be a normative, middle-class (or desiring to be middle class) population, into its discourse and regularizing mechanisms. For example, Dr. Stewart, the trustworthy doctor recommended to Dot by her friend, who is clearly a figure of authority in the novel, tells her during her first visit, "'I hope you're not thinking of an abortion,' he said. 'A nasty corrupt practice which has a bad effect on the woman who uses it'" (131). Although Dot did consider an abortion, and even went as far as visiting a doctor who claimed he could give her one—a doctor who also attempted to molest her during the visit—that experience never shamed her. Dr. Stewart, the bourgeois, mannered doctor, whom Dot trusts with her health and pregnancy from the moment she meets him, is the only one who attempts to shame Dot,

and her readers, into recognizing the "dangerous effects" of an abortion. This scene of shaming brings up an interesting question: How does discipline, whether it is affectively produced or institutionally constructed, work to demarcate populations? And if the demarcation works through a negotiation between disciplining individuals and controlling populations, what is the relationship between this individual and the population? And finally, what do we learn from reevaluating the language of choice and rights, both of which are always implicated in both individuated politics and population management? These are precisely the questions the rest of this chapter attempts to answer.

An abortion never actually occurs in the novel, but the possibility that it might consumes the plot for twenty-five pages. When Dot casually announces to Eddie that she is pregnant, Eddie misreads her and thinks she does not want to have a child. In turn, Dot misreads Eddie and thinks he does not want to become a parent. He asks Dot coarsely, "Do you want to have a baby?" (103), and the narrative, focalized through Dot, repeats the question and reveals how little choice Dot feels she has in the matter: "Do you want to have a baby? He was looking at her now. What did he want her to say? No, of course. Would he look so worried, so hard, if he wanted the other answer?" (104). And so Dot replies that a baby would be unwelcomed, thinking that answer would please Eddie. This misunderstanding comprises the plot for almost the rest of the novel because not until its closing page, after the baby is born, do Dot and Eddie finally realize that they both want the child. And yet besides functioning as a device to complicate the plot, the misunderstanding reveals the complicated nature of choice and desire. Eddie continues to emphasize that the choice to reproduce is Dot's. When her friend Sue gives her pills that

she claims will procure an abortion, but they fail, Eddie asks Dot, "What are you going to do now?" (106). Then later, after she visits the abortionist and has a frightening experience, Eddie contemplates her indecision as the narrative focalizes through him:

> Poor kid! Trying to make up her mind. Well, she'd have to come to a decision by herself. A man would have a hell of a nerve to tell her to go ahead and have the baby. It was her job to bear the pain, her job to tend the little thing for years to come. What right had a man to say what she should do? Advice in the opposite direction was an impossibility. It was murder as Eddie saw it, murder to snuff out the little germ of life that flickered so uncertainly, that little germ that grew up to be a kid in overalls with a dirty face who asked for pennies and was proud of his Daddy. (117)

And even as Edna, Dot's friend and mother figure, persuades her not to have the abortion because she risks blood poisoning or death, Eddie still insists that "it's up to her" (125). As in *The Beautiful and Damned* when Anthony tells Gloria that the choice to decide to stay pregnant or not is up to her, Eddie similarly places the choice completely on Dot. However, unlike Anthony who truly does not care whether Gloria has an abortion, Eddie, as demonstrated by the passage above, takes a strong moral position. And while Dot never learns about his anti-abortion beliefs, readers do and are thus emotionally caught in the tangled miscommunications that would "snuff out the little germ of life" that both Dot and Eddie desire, but that they almost destroy because they cannot express that desire. And through the emotional empathy that the novel calls forth from readers, it also disciplines them into feeling that an abortion would be disastrously wrong.

Yet, even more important, like *The Beautiful and Damned*, when read against the

grain, *Bad Girl* reveals the emptiness of choice in abortion politics. As Eddie continually emphasizes that the choice is Dot's, and Dot strains to guess what Eddie desires because he refuses to express it, the agency that the rhetoric of choice supposedly contains is exposed as a farce. Dot never really has the opportunity to choose her reproductive options because she is constantly subjected to and subjectivized by the various social pressure around her. From Maude who tells her that she must have an abortion because child birth is horrendously painful to Eddie, who remains obtusely silent, to Edna, who scolds her for considering an abortion, to the unnamed populations that she encounters on the streets and in shops, Dot is bounced back and forth trying to internalize all the mixed messages she receives and at the same time trying to figure out what she should do as a "good wife." She never has a free agential choice, but her decision is ultimately a consequence of the discipline she receives from Edna and from those she desires not to emulate.

The novel does even more to emphasize its anti-abortion position. When Dot visits the abortionist's office, one recommended to her by Maude, she intently examines the place from its outward appearance to its shabby interior:

> There seemed something dread and ominous in the many drawn shades, something weird and murderous about the cat who innocently took the sun upon the front steps…. There was something offensive in the barrenness of the doctor's table…. The rug needed sweeping…. Dirty windows, a smeared window….There was a damp chilliness about the room. (111-12)

Like the uncorseted Jewesses and dirty-faced babies, the room reeks of "ill-breeding" and mismanagement. The decaying space suggests a moral decay, one that is aptly

represented by the doctor who lasciviously grabs Dot's breast as she begins to dress and tells her that he likes "to help little girls out. Little single girls" (114). When Dot insists that she is married, the doctor mocks her by sarcastically noting that all girls who come to see him say that as well. He is clearly convinced that anyone seeking an abortion would be an unmarried woman who unforgivably had premarital sex. Thus the entire scene constructs abortion as a space of decrepitude, poverty, and illicit behavior. The narrative tension in this moment becomes less about whether Dot will choose to have an abortion and more about what class or population her behavior will discipline her into.

Michel Foucault maintains, "Sexuality exists at the point where body and population meet. And so it is a matter for discipline, but also a matter for regularization" (252). And it is precisely this dual position between organism and population that grants sexuality such a privileged position in the nineteenth century. Similarly, circulating discourses of abortion—as shameful, as trashy, as sinful—become a mechanism for regulating bodies working in similar ways as the disciplining technologies of site-specific locations, such as school and church. Therefore, even though the technologies that regulate abortion are, as I argued in chapter two, working on the individual, their capacity for movement, their circulation through human bodies, their ability to be transferred affectively allow them to be a regulating mechanism for controlling populations. They work, as Foucault argues regarding sexuality, by circulating precisely between the body and the population. Similiarly, Margaret Sanger's investment in eugenics and birth control, which were discussed in the previous chapter, bridges the ways in which her ideologies worked to regulate the individual (using abortion is wrong, use birth control), and the ways in which those policies always had more generalized implications. Thus

through disciplining the body into normative behaviors, the kind of discipline that results in Eddie and Dr. Stewart in *Bad Girl* thinking that abortion is a shameful sin, entire populations can be managed and produced through difference (*I* am not *them*; *I* do not do as *they* do; as when Dot views the community of African Americans outside her hospital window). Thus even if abortion is legal or accessible, its very inscription in law regulates those very populations that seek it.

Sociologists Nicola Beisel and Tamara Kay take a similar approach to examine why abortion becomes regulated in the late nineteenth century and argue against previous paradigms that have pointed to the American Medical Association's drive to medicalize the practice. As they argue, "Claims that physicians played on fears of independent women miss what was at stake: Anglo-Saxon control of the state and dominance of society" (499). Beisel and Kay continue to argue that shifting demographics in the late nineteenth century caused by a rise of immigration to the U.S. led to anxiety about what constitutes an American citizen and how power would be racially distributed. Thus by passing laws that outlawed abortion, a practice that Beisel and Kay suggest was mostly used by white women,[70] the state could enforce the continued reproduction of whiteness and institute laws that allowed for the control of women's bodies. As Edna tells Dot in *Bad Girl,* having already internalized this ideology, women who have abortions are "dames who'd shoot their fingers off to evade going to war if they were men" (119). As women, and particularly white women from middle- and upper-class homes, were told that their national duty was reproduction, then abortion became associated with an evasion of that duty and as a betrayal of country. For Beisel and Kay the entanglement of abortion with raced policy becomes a demonstration of the intersectionality of race, class,

[70] Other historians of abortion have made this same claim. See Janet Brodie and Leslie Reagan.

and gender.[71] However, I am more interested in how the regulation of abortion, which is implicitly invested in the individual body, is always implicated in the demarcation of populations into types as a means to stabilize and legitimize racial and class hierarchies that are inextricably linked to state and social power.

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In chapter two I briefly touched on Karl Marx's argument in his early essay "On the Jewish Question," which in many ways is more about what happens when the state grants an individual freedom than it is about the "Jewish Question" already haunting Germany at the time. Marx, focusing primarily on the separation of church and state in the still young United States, argues for a differentiation between human emancipation and political emancipation. For him political emancipation is when the state frees itself from a restriction, but the citizens of that state are still bound to that restriction through other means (218). Marx argues, "Man emancipates himself from religion by banishing it from the province of public law to that of private law… It is no longer the essence of *community* but the essence of *difference*" (221). Thus the laws governing the separation of church and state move the practice of religion from the public realm to the private, thereby giving rise to the notion of individual rights and the protection of privacy. As Wendy Brown incisively describes it, "At the moment a particular 'we' succeeds in obtaining rights, it loses its 'we-ness' and dissolves into individuals" (98). Brown then combines Marx's critique of liberalism with an understanding of biopower: when rights

[71] I share Wendy Brown's critique in "The Impossibility of Women's Studies," where she argues that a model of intersectionality for understanding the cross-section of gender, race, and class is problematic. This model often assumes, including in the way Beisel and Kay employ it, that all three categories of identity function on different axis that can be analyzed separately. Instead, Brown suggests we understand the construction of identity as a tight weave that is constantly reified and resisted through various technologies.

are granted to a group, they also work as a means to discipline or police the individual. Importantly, she asks:

> How, we might ask, does this historical function of rights as operating both to emancipate and dominate, both to protect and regulate, resurface in contemporary articulations of rights, especially those sought for subjects recently, and patently, produced through regulatory discourses—subjects such as welfare mothers, surrogate mothers, or lesbian mothers? (100)

I find Brown's question extremely relevant to my project; the pregnant woman, and especially the pregnant woman who would like to abort, is subjected to the same regulatory discourses and their paradoxes that Brown points to. Her question also implicitly touches on the relationship between the individual who is disciplined by the law, and the law, which governs through regulating populations. This question is also at the heart of Karl Marx's observation of the liberal shift from the emphasis on the "we" to a central "I," and of Wendy Brown's argument, which uses this shift to examine how certain non-normative populations are regulated. The connection between the individual—the disciplined and regulated individual—and populations also underpins an understanding of biopolitics, particularly as it relates to abortion. In other words, how is the disciplining of the individual body part of a larger mechanism of controlling populations? And perhaps the larger question: why is there a need for this control?[72] Or, as Foucault asks: "When we enter into a contract, what are individuals doing at the level

[72] I am consciously using the language of control, rather than discipline, to emphasize Gilles Deleuze's reading of biopolitics where he argues that in the late twentieth century (and I would argue even before) discipline is no longer sufficient for understanding the regulation of bodies because it doesn't occur in site-specific locations (such as the school, factory, etc…), but in more dispersed, de-localized paths, as in the way capital flows in our contemporary economy. For more see "Postscript on Control Societies" in Deleuze's *Negotiations.*

of the social contract, when they come together to constitute a sovereign, to delegate absolute power over them to a sovereign?" (241).[73] Thus even as technologies of discipline are individuated, they always works to regulate—in this discussion, abortion—within the larger framework of state control, but more specifically through the dispersed networks of biopolitics, which are ultimately never concerned with the individual but with the management of populations.

In Marx's later work, *Grundrisse*, published only posthumously as a collection of notebooks, he notes: "But human beings become individuals only through the process of history. He [the individual] appears originally as a *species-being, clan being, herd animal*—although in no way whatever as a [political animal][74] in the political sense" (496). In Marx's writings, individuation occurs through the process of exchange that does away with communal-based sustenance. In other words, through the development of capitalism, an emphasis was placed on individually owning land or the means of production, and through this individuation a new subjectivity emerged. However, almost in anticipation of Foucault's extension to his argument, Marx adds, "In bourgeois society, the worker e.g. stands there purely without objectivity, subjectively; but the thing that *stands opposite* him has now become the *true community* [*Gemeinwesen*], which he tries

[73] While here Foucault uses the language of social contract to refer to population, in his lectures in *Security, Territory, and Population* he insists on distinguishing population *from* the people constructed through the social contract. In *Of the Social Contract,* Jean-Jacques Rousseau writes, explaining the formation of this contract, "Each of us puts his person and his full power in common under the supreme direction of the general will; and in body we receive each member as an indivisible part of the whole" (50). Similarly, Foucault will argue that the people constructed through the social contract are still individualized components of the political body, as Rousseau suggests. In the population, the individual has no significance and it is never through individuated agency that the population is constructed. In the next section this discussion will be taken up again and further explicated.

[74] The original word here was written in Greek, and translated by the editors as political animal or literally city-dweller (496).

to make a meal of, and which makes a meal of him" (496). In the editor's note, *Gameinwesen* is also translated as "common system" and "common being" (223). Thus Marx understands that even as the circulation of capital and the development of capitalism (what in "On the Jewish Question" he identifies as a form of liberalism) individuates the species-body, that body still subsumes and is subsumed by the individual. While Marx only makes an example out of the worker, I would argue that the producer or the owner stands in a similar relationship to the population, especially as the state begins instituting mechanisms that track bodies regardless of their economic position. I've stressed this point so strongly because I think it's a key difference from Marx's early writing and the reading that Wendy Brown pulls out of it. While Brown implicitly deals with populations (e.g. surrogate mothers or lesbian mothers) her project is more interested in examining how the discourse of rights problematically individuates those bodies. What then is left out of her project is the way those bodies are simultaneously categorized as a class for the purpose of their containment and regulation.

This lengthy digression on the politics of population has a purpose: In *The History of Sexuality* Foucault argues that the technologies of birth control and reproduction are some of the key mechanisms in ensuring a sexually conservative discourse that works to maintain normative relations. More precisely, these discourses of sex carve out populations and are thus intimately connected to the rise of racism. Through the formation of sexual taboos and reproductive norms, difference is carved out as subjects are disciplined into populations. Giorgio Agamben suggests that what started in the nineteenth century as eugenics became, by the twentieth century, the perfected workings of biopolitics (*HS* 145). If eugenics as an ideology was concerned with ensuring the

reproduction of only certain races and through certain means, biopolitics institutionalized that anxiety by turning matters of the body and biology into political concerns. Laws emerged, which limited reproductive options, tracked who reproduced with whom, and turned what had formerly been private concerns into public and state-regulated issues. In the next section, the discussion of Morley's *Kitty Foyle* will further elaborate on these connections between population, abortion, and eugenics.

Female Plumbing is Just One Big Burglar Alarm[75]

> *Discipline only exists insofar as there is a multiplicity and an end, or an objective or result to be obtained on the basis of this multiplicity.*
> —Michel Foucault

1940 was the year in which Margaret Sanger's journal *The Birth Control Review* came to an end. It was also the year that found most of Europe fully entrenched in a second world war, and where the consequences of Hitler's eugenicist policies were becoming more widely known in the U.S. While Sanger's journal claimed that it would stop publishing because of lacking funds, funds that were now being funneled into providing aid for a wide-scaled war, I would also argue that the eugenicist views expressed in her journal were becoming less popular as Americans were now able to witness the horrors of a eugenic ideology put into action in Germany and occupied Europe. Views on abortion and contraception were also beginning to change in the 1940s as more women were entering the workforce and the gains of the women's movement from the turn of the century were allowing women more independence and autonomy.[76]

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[75] *Kitty Foyle* (262).
[76] For more on the effects of the women's movement beginning in the 1940s, see Linda Gordon and Mary Ryan, who argue that the backlash against feminist gains in the 1920s began in the 1940s, not the 1950s, as previous historians have argued.

Leslie J. Reagan's historical study on abortion pre-1973 argues that beginning in 1940 attacks on abortion clinics and abortionists became more rampant. Whereas before 1940 abortionists were usually only prosecuted if a procedure resulted in death, in the 1940s and 1950s, state surveillance of suspected providers of abortion was instituted and even therapeutic abortions became more difficult to obtain.[77] Reagan sees a direct correlation between this new policy of abortion regulation and a nation-wide push to encourage women to have more children and embrace domesticity (163).

If *Bad Girl* was written on the heels of the suffrage movement—it was published only eight years after women received the right to vote in national elections—and first-wave feminism, *Kitty Foyle* is then coming from a place where that feminism, or at least women's right to suffrage, is already more entrenched in social consciousness and the white-collar working woman a more accepted part of the workforce. *Kitty Foyle*, at least in its print version, has a more complicated position on the rising status of women in American society. Written by Christopher Morley, known in his time as a popular Philadelphia journalist and essayist, *Kitty Foyle* is narrated in the first person by the eponymous Kitty using flash backs and foreshadowing. The non-linear narration always maintains Kitty's quirky voice and her colloquialisms as she recounts her childhood in a working-class Philadelphia neighborhood, her doomed romantic relationship with Wynnewood Strafford VI from the Main Line (which Kitty calls the aristocracy of Philadelphia),[78] and her more tentative romance with the Jewish Marcus (Mark) Eisen.

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[77] Some states, including New York, even instituted laws that forced women who had had abortions to testify against their providers. If they refused, they risked being incarcerated until they testified (Reagan 165).

[78] To stress the difference in population between Kitty and Wyn, a 1939 *New York Times* review of the novel described, "Translated into local terms, it is almost as though a girl from Brooklyn had fallen in love with a gentleman from Westbury or Sands Point. Almost, but not quite; actually

Like *Bad Girl*, *Kitty Foyle* is steeped in a eugenic discourse of population demarcation. Yet, whereas in *Bad Girl* those populations were always relegated to the shadows as mostly nameless inhabitants, *Kitty Foyle* presents a more honest depiction of racial mixing even as it ambivalently writes against the possibility of crossing class and racial boundaries. What interests me most about this spectacularly popular novel of the early twentieth century is how its protagonist's "personal history was more than individual" (2), in the words of Margaret Stetz.

After Kitty's mother dies, her father hires an African American woman, Myrtle, to come help with the cleaning and cooking. Even as Myrtle becomes intimately connected to the Foyle family, sharing in jokes and opinions about Kitty's dates, she is still presented as vacuum-sealed within the confines of her race. As Kitty explains it, "Colored people don't have to stop and think in order to be wise; they just know about things naturally, it oozes out of them" (18). Although Kitty sketches a positive picture of Myrtle and regularly confides in her, she is still presented as somewhat of a "Mammy" figure, one who is foremost classified by belonging to her race. Similarly, Myrtle also feels sympathetic to Kitty's family because she "figured that Irish, like colored people, were sort of on their own, secretly at odds with the rest of the world" (17). Through a politics of *ressentiment,*[79] both Kitty and Myrtle view themselves against other populations that have privilege in order to delimit their own identities and affiliations.

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there is no parallel anywhere in the East for the suburban elegance that clusters along the main line of Pennsylvania this side of Paoli" (*Books of the Times* 33).

[79] I borrow the term *ressentiment* from Nietzsche, who also uses it to mean slave morality. He writes,: "in order to exist, slave morality always first needs a hostile external world [most often constructed]; it needs, physiologically speaking, external stimuli in order to act at all—its action is fundamentally reaction" (37). For Myrtle and Kitty the Main Liners, who can supposedly trace their ancestors back seven generations in Philadelphia and even longer in England, are posited as the hostile external world against which they construct their identities.

Foucault argues that the construction of population first arose in its modern conception as precisely the means through which to regulate sexuality and ensure the normalizing effects of power. He asks whether the proliferation of discourses about sex motivated by one concern: "to ensure population, to reproduce labor capacity, to perpetuate the form of social relations: in short, to constitute a sexuality that is economically useful and politically conservative?" (37). In *The History of Sexuality* his answer to that question is ambivalent because he shies away from umbrella statements about what technologies of power ultimately aim to achieve. However, in *Kitty Foyle*, the narrative that Morley constructs is grappling precisely with these questions of power relations, sexuality, and population.

Morley's story is not quite as rigid as *Bad Girl*, which makes its questioning of sexual and class transgression all the more compelling. In one of Kitty's conversations with herself, she explains that she left Wyn because "he was the product of a system. He was at the mercy of that system" (46) and that to stay with him would have made *him* impossibly unhappy. And then she questions this decision by asking herself and answering, "Is it not your conviction that there are now no systems? That the whole of society is in flux? Not in—I mean not where Wyn lives" (46). Kitty's conflicted internal conversation exposes the difficult connection between the individual and the population; for what happens if an individual rebels against the population? Does the possibility of this separation undo the construction of population? Foucault stresses that a people and a population are not the same. Populations are constructed through the gathering of statistics, trends, and norms. A people are tied together by a social contract that grants

them rights by interpellating them as individuals.[80] Key to this argument is understanding that "the population is pertinent as the objective, and individuals, the series of individuals, are no longer pertinent as the objective, but simply as the instrument, relay, or condition for obtaining something at the level of the population" (*STP* 42). In other words, and to return to the epigraph for this section, the disciplining of individuals works to construct them into populations that see themselves as such. The social contract that forms the series of individuals does so only for the ultimate goal of shaping those bodies into a population that can be demarcated and bound.[81]

While Foucault's argument is seductive, Ann Laura Stoler provides an important amendment that questions his chronological building:

> For one thing, it is not clear that this shift from a "people" to a "population" makes metahistorical sense…As populations were being enumerated, classified, and fixed, 'peoples' were being regrouped and reconfigured according to somatic, cultural, and psychological criteria that would make such administrative interventions necessary and credible….The concept of a 'population' did not substitute for a 'people': both conceptions represent state-building *and* nation-building projects in which a racial grammar tying certain physical attributes to specific hidden dispositions played a crucial role. (40)

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[80] See note 73 for an initial discussion of the social contract.

[81] I realize that my language here suggests a fairly static formulation of the population. Therefore, I want to stress that while populations are meant to be contained, the continuation of their existence actually depends on a more fluid categorization. For example, if in the early twentieth century whiteness only constituted people with Anglo-Saxon heritage, but the middle of that century that categorization had already shifted to subsume Jews, Italians, Irish, and other previously excluded groups. This shift was necessary to maintain whiteness as a construction of population.

Stoler's critique of Foucault is part of a larger project that seeks to extend his genealogical formulations of sexuality, power, and race into the colonial space. Stoler argues that although Foucault's work, especially in his lectures in *Society Must Be Defended* (1975-1976), picks up the question of race, by the time he returns to the question of population in his 1977-1978 lectures*, Security, Territory, and Population*, the issue of race completely drops out.[82] Her critique is important for this project because it emphasizes the interplay between population, which here I have been defining as a statistically constructed category by the state and its technologies, and people, which are defined through the social contract. As Stoler notes, both constructs are key to understanding how race is carved out and used to reify hierarchies and sediment hegemonies. However, as she emphasizes, "people" is still a key construction for nation-building because its discourses unify individuals so that they see themselves as an 'us'—as a nation. Yet in this project, I am particularly interested in state-building and populations because anti-abortion laws are implicitly involved in upholding the state (as a body that decides and enforces law) and carving out populations.

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Little critical attention has been given to *Kitty Foyle* since its brief moment of fame in the late 1930s and early 1940s.[83] Today the novel is out of print and the name *Kitty Foyle* is more likely to be associated with the film that won Ginger Rogers an

[82] Stoler's work was published before the collected editions of Foucault's lectures were published in English. Her citations refer to the audio taped versions of the lectures and to selected lectures that were published individually.

[83] In 1947 Milton M. Gordan published an article in *The American Journal of Sociology,* using *Kitty Foyle* to demonstrate his argument that "class is culture." Margaret Stetz's article, which I cite, will be forthcoming in 2008 in an anthology on periodicals and mass culture. Beyond those two works, most of the attention *Kitty Foyle* received was in the form of reviews in the year of its publication.

Oscar. Yet its odd and open embrace of female sexuality and racial discourses positions it as an important text because it reveals the American versions of what Stoler calls "state-building *and* nation-building" projects. On the one hand, Kitty mourns the loss of her potential child because "if it had been born, [it] would have been almost a gentleman because Wyn came from a cricket club family" (27). Yet, she also tells herself that she would "be a better American if I married Mark than if I'd married Wyn. The more we get mixed up, I mean race mixed-up, the better. We got no time here for that kind of prejudice. But I suppose it's all right to wish they wouldn't be so hairy?" (280). Marcus Eisen, the hairy man that Kitty refers to in the latter quotation, is an upwardly mobile Jewish doctor, who determinedly courts her. While Mark is educated and ambitious—a seemingly ideal suitor—Kitty feels repulsed by him, a reaction she attributes to his "Jewishness." When he admits to using her towel during a visit, she later throws all her towels into the laundry because the thought of using the same towel as him disgusts her. Yet later when she reflects that perhaps she should marry him, she tells herself: "I didn't like to put it in words, but that made me wonder, maybe Mark's being so racial is like Fedor's leg, something that just happened and you've got to put up with" (336). Fedor, a Russian immigrant who courts her friend Molly, lost one of his legs as a young boy. In the same scene, Molly tells Kitty that she is learning to overlook his missing leg and even admire him for how well he manages and never complains. Kitty then begins to wonder whether she should try to overlook Mark's race, implying at the same time that his Jewishness is an immutable condition—like a missing limb—that makes one quite literally incomplete.[84] Even though Kitty recognizes that marrying Mark might make her

[84] By comparing Mark's race to Fedor's missing leg, Kitty is defining race as consisting of lack. In a similar vein, the German Nazi-era eugenicist Otmar Freiherr von Verschuer understands

"a better American," a philosophy that ran contrary to popular eugenicist thought, her physical aversion to the possibility still constructs that union as impossible. Whereas her relationship with Wyn was filled with sexual longing and attraction, which eventually led to her pregnancy, it is precisely because she cannot imagine herself in intimate contact with Mark, a condition obviously necessary for reproduction in the early twentieth century, that she resists the idea of marriage. Thus the narrative, while radically opening the possibility of a cross-racial marriage, ultimately forecloses it because of the danger it poses to progeny.[85]

Additionally, the novel unfolds a narrative that often runs contrary to the nation-building project that eugenicists like Stoddard imagined. After Wyn marries a woman from his class and with a similar ancestral genealogy, Kitty speculates whether

> …a nice girl like Ronnie hasn't slowed up the Strafford family for quite a few generations; just because she's a nice well-bred girl and nothing else. Mark tells me something about the cross-pattern of the genes. It sounds like eeny-meeny-miny-mo like counting stitches when you turn the heel of a sock. Still and all, if I was a Family I'd like to knit some genes into it that wants to get somewhere." (306)

Kitty's description of Wyn's marriage is both invested in a eugenic understanding of race and at the same time resistant to it. On the one hand, she thinks that although Ronnie is "well-bred," her conservative and old-fashioned beliefs and behaviors will be detrimental

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"inferior" races as "a group of human beings who manifest a certain combination of homzygotic genes that are lacking in other groups" (88). For von Verschuer racism is pseudo-scientifically based on the lacking of key genes in certain population categories, whereas for Kitty race is formed through an inverse process—Mark's racial difference is due to an incompleteness in his genetic make up.

[85] I should note that the end of the novel is ambiguous. Kitty never tells her reader what she decides, although she does answer Mark's phone call and calls him "darling."

to the Strafford Family. However, she implants the same eugenic logic of inheritance to support her theory that Ronnie's genes are somehow insufficient, and she is wedded to the theory that the Straffords make up a "Family," with a capital "F." Thus Kitty, and by implication the novel's narrative voice, is unable to detach herself from a hierarchial formulation of race and reproduction. While she longs to step out of the system that indicts her relationship with Wyn, she is still disciplined by the supposed existence of "genetically" differentiated populations.

When faced with the unintended opportunity to reproduce a Strafford, quite literally when she becomes pregnant after her affair with Wyn, Kitty is unable to imagine a situation where that child could be raised within U.S. borders. She briefly fantasizes about having the child with him and living on a Caribbean island together, and even goes as far as making a date with him to explain the news. However, as she is waiting for him at a pub, she catches sight of a newspaper announcing the engagement of Wyn to Ronnie, a society lady of his class. Immediately, she recognizes that her relationship with Wyn is an impossible fantasy and that to tell him about her pregnancy would be to relegate them both to the outskirts of society. Like Charity in *Summer*, who will be discussed in the following chapter, Kitty understands that if she chooses to bear her child out of a socially accepted marriage, then she must either face lifelong reprobation or move outside the juridically confined borders of her state. Given these options, Kitty quickly decides that the only option for her is an abortion. And unlike Charity, she follows through with her plan.

Abortion in *Kitty Foyle* is not villainized in the way it is in *Bad Girl,*[86] and yet

[86] I would even venture to say that this is the first American novel that does not negatively portray abortion. In all previous American novels, abortionists were presented as deceptive or greedy and

what the abortion scene forecloses is the possibility of cross-class, cross-population reproduction. Kitty's experience with the doctor she visits for the abortion differs from Dot's in a number of important ways. First, she is referred to a more legitimate doctor, one who likely charged fairly high fees and was used to seeing a more middle-class clientele, because her wealthy employer agreed to help her cover the costs. Kitty even has an amiable conversation with the doctor before the procedure, making her feel comfortable with the process. She describes him as "skilful and decent… a good egg" (270), an experience which is far removed from the foreboding atmosphere that Dot encounters when she visits the abortionist. Furthermore, after the operation Kitty insists that she "couldn't feel any wrongness… I did what I had to do" (270). Thus abortion in the novel no longer has the disciplining force that it contains in *Bad Girl.* Kitty is not demoralized or placed on the brink of destitution because of her decision. Little in her life changes because of her decision, and she even has one post-marital fling with Wyn. And although the possibility of their marriage is never brought up again after the abortion, this ostensibly occurs because of Wyn's impending marriage. However, the abortion does signify the futility of their relationship. Whereas in *Bad Girl* Dot's ultimate decision to keep her pregnancy to term represents a rise in class position and a demarcation from other idle, more "unfit" populations, in *Kitty Foyle* Kitty's decision to have an abortion represents the difficulty of undoing constructions of population, even through reproduction.

When Kitty explains her decision to have an abortion, she asserts that it was made because "Wyn wasn't big enough to have a bastard; or the folks he had to live with

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if an abortion occurred the consequences were never positive. See my introduction for more about a general discussion of abortion representation in early twentieth-century fiction.

wouldn't let him be. It would be making people unhappy for the sake of somebody that didn't really exist yet" (269). Thus like Dot, Kitty makes her decision based on what she thinks others will desire. On some level Kitty recognizes the technologies that ultimately shape our actions. Early in the novel she observes: "I make my living now by trading on women's herd instincts, and I can see how useful it is for them to think they're exercising their own choices when actually they're simply falling in line with what some smart person has doped out for them" (65). Kitty seems to grasp the mechanisms of discipline and to even understand that her own choices are not always agential. If, in her quirky observation, "some smart person," were replaced by "regulating technologies," her analysis would be a fitting critique of choice, especially in her own decision to have an abortion. Even as she insists that she made the best choice possible given her circumstances, her language also suggests that it was the only "choice" she had. Given the impossibility of a continued relationship with Wyn and the grueling hardship of single motherhood, which would be socially stigmatized and financially challenging, Kitty decides on an abortion because she has been disciplined as a working-class woman not to expect that Wyn would ever marry her. Her following relationship with Mark only stresses the rigid markers of population and the powerful controlling discourses of eugenics that normalized reproductive practices. As Kitty describes after a doctor confirms her pregnancy: "It's funny that feeling 'But things like this don't happen to *me.*' I felt like one of those assy letters to the Woman's Page" (263). When Kitty becomes pregnant, she recognizes herself, perhaps for the first time, as part of a population of working-class women whose illicit pregnancies function to keep them within the confines of their class, race, and social status. She's no longer just idiosyncratic Kitty, but part of a

population of "assy" letter writers whose bodies are managed through a regime of biopolitics that works to simultaneously maintain racial demarcations and hegemonic norms.

Bad Girls Go to the Movies (and Broadway)

Both the film adaptations of *Bad Girl* and *Kitty Foyle* omit the scenes or references to the abortions that play a crucial role in the print versions.[87] The obvious explanation for the omission is the constraint placed by the Hays Code, the 1930 law which banned any reference to sex or other topics that were deemed morally unacceptable. The Code, which was first drafted by Will H. Hays, chairman of the Republican National Committee (1918-1921) and U.S. Postmaster General (1921-1922), had three general principles: Films were forbidden from depicting morally depraved that could negatively influence viewers; only normative behaviors could be depicted; and importantly for the adaptation of *Kitty Foyle* and *Bad Girl*, law, both civil and "natural," could not be mocked nor could there be any sympathetic representations of people breaking those laws.[88]

Without the tension over whether Dot will carry her pregnancy to term—for in the 1931 film version directed by Frank Borzage—there is never any doubt that she will, the plot focuses more on the difficulty Dot and Eddie have in negotiating their new marriage. As in the novel, Dot thinks that Eddie does not want to have a child, and Eddie in turn supposes the same of Dot; however, the end of the film resolves this misunderstanding

[87] The film adaptation of *Kitty Foyle*, which was first released in 1940, is easily accessible on DVD and available for mainstream viewing. Unfortunately, *Bad Girl* in its 1929 film version is available only through the UCLA Film Archives.
[88] See Frank Miller's *Censored Hollywood* for more on the Hays Code and its influence on Hollywood productions.

more firmly as Eddie insists on holding the infant in the cab ride home. The film only alludes to their pre-marital sexual relations; in an early scene, Dot visits Eddie's room, and they end up kissing. The scene blacks out, and when the characters return they are sitting in a chair together and just waking up. While the Hays Code might have prevented any more direct reference to what happened when the screen went dark, the Code was not actually officially enforced until 1934. However, by censoring the more sexually overt and taboo topics of the novel, the film employs a similarly disciplining tactic, especially to those viewers who already read the novel. As in the novel, nameless immigrant characters populate the film. In one scene an Italian woman sings outside Dot's window, and in another scene impoverished immigrants populate the background. By not discussing the more illicit themes of the novel, the film produces a shrilling discourse about sex and reproductive taboos through its silences that echo the novel neatly.

Bad Girl was also made into a Broadway play, scripted by Lincoln Osborn, and was first performed off-Broadway in a Bronx theatre in September 1930. Surprisingly, the dramatic script for this version is frank and direct about Dot's and Eddie's pre-marital sex and the discussion of abortion after their marriage. Whereas the film deleted most of the novel's discussion of birth control, the play uses these lines word-for-word, and in some cases even elaborates. During its opening night both the district attorney and several local policemen attended the performance, ostensibly because they suspected it might depict unsavory scenes. A *New York Times* article reports that they filed a complaint against the play and that the action would have prevented the show from its upcoming scheduled run on Broadway. However, the producer, Robert Newman, insisted that the inappropriate scenes would be deleted before the Broadway opening. The article

omits to note what scenes the district attorney found distasteful, and the one remaining copy of the script available for public viewing seems to contain the play in its original format. However, it is likely that the scenes where abortion is explicitly mentioned—where Dot first asks her friend Sue to obtain abortifacient pills for her, and then later discusses the issue with Edna who warns her, "A married woman I know went to him. The dirty rat made her take off all her clothes, then he pawed her all over and tried to get fresh" (3-1-30)—were the ones excised from the final version. Unfortunately, the documentation that would confirm these suspicions seems to be missing from the archives. Yet what the *Times* reveals is that while it was acceptable to discuss abortion in print, performing these issues was another matter. And perhaps for that reason, Borzage, who released the film a year later, decided to prevent any lawsuits by omitting the central abortion discussions. However, Delmar expressed dissatisfaction with the result. In an interview expressing this opinion, she added, "I doubt I will ever write a novel that will be used for a successful motion picture. I can only write about things with which I am familiar; about the kind of people I know. This isn't motion picture material." Unfortunately, over ten years later, when Morley's *Kitty Foyle* came into production, this was still the case.

While the film *Kitty Foyle* also omits any direct reference to Kitty's abortion, there are more obvious allusions to its occurrence. In order to portray Kitty's sexual relationship with Wyn, which is a central component of the novel's plot, the film version has the couple marry, then consummate the relationship, only to annul the marriage shortly after. It is during their brief marriage that Kitty presumably becomes pregnant, but by the time she discovers her condition, her marriage to Wyn is over. Rather than

willingly terminate her pregnancy, the film suggests that she carried it to term, only to give birth to a stillborn boy, whom she never sees. The infant's premature death ultimately serves the same purpose as the abortion in the novel as it demonstrates, quite literally, the dead-end of Kitty and Wyn's relationship because it is reproductively unfeasible. Even as the Hayes Code makes the explicit depiction of abortion taboo because, in the logic of the Code, depicting an abortion would condone the practice, it implicitly disciplines viewers (and especially those who previously read the novel) to regard abortion as illicit and transgressive. Thus while the novel refuses to condemn abortion, the film regressively inscribes an anti-abortion ethic.

Another striking difference between the film and novel is that Mark is never portrayed as Jewish or ethnicized in any way. Rather, the film presents him as a hard working doctor with long hours, who primarily helps working-class families. In an early scene, Kitty helps him deliver an infant in a tenement apartment. Few preparations were made for the child's arrival, and Kitty has to construct a makeshift cradle for him out of a cardboard box and a tablecloth. Kitty enthusiastically greets the baby, but Mark scornfully replies that the child would have been better off if it had never been born. Because the film presents Mark as ethnically white, it frames his relationship with Kitty as the most desirable option for her. In the last scene of the movie, Kitty has to choose between Mark and Wyn, and she unequivocally chooses marrying Mark. Her other option is to escape with Wyn on a cruise to the Caribbean because he cannot agree to divorce his new wife, which Kitty eventually realizes would never be a fulfilling relationship.

Perhaps the film's most important diversion from the novel is in its opening framing scenes, which depict an anonymous woman dressed in nineteenth-century

clothing and traditionally pursued by a young man, which ends in a happy and serene marriage. In a second scene, suffragettes rally for the vote, while the same woman is dressed in a more modern early- twentieth-century style, and as she boards a trolley, she is jostled by several men, none of whom acknowledge her or agree to give up a seat. The film then jumps to introduce Kitty. Implicit in this opening is a critique of the modern woman, who in order to gain independence has given up the easy choices of marriage and men's respect. These opening scenes thus emphasize what the novel only hints at: that this new system, what Kitty in both the novel and in the play discussed below calls a "system in flux," has ultimately destabilized an order that once functioned smoothly and easily, but that with the unsettling of population marks has now reeked chaos particularly on women's own bodies. Yet the play, which provides the tamest version of the story, also finally makes feasible Kitty's marriage to Wyn.

In 1942 *Kitty Foyle* was scripted into a play, first performed that August at the Michiana Shores Theatre. While the characters in this version remain the same, the overall arc of the story dramatically changed, especially as the performance closes with the presumed marriage of Wyn and Kitty. Mark Eisen is mentioned only in name and only in passing as Kitty's boyfriend in New York; as in the film, there's no reference to his ethnicity or Kitty's ambivalent relationship with his Jewishness. A refrain throughout the play is Kitty's insistence that "Today the social system is in a state of flux" (41). While her Irish father and the African American maid, Myrtle, seem skeptical of this change, only in this scripted version of the story does Kitty prove them wrong. Interestingly, the play emphasizes that Kitty is only one fourth Irish—a point that's also made in the film but never appears in the novel. And Wyn's family, particularly his

mother, feels persuaded by the union because she acknowledges, "The Straffords need new blood" (123). However, she attempts to convince Kitty to go to finishing school for a few years so that she can learn to be a society lady—terms that Kitty refuses to accept. Ultimately, Wyn agrees to follow her to New York against his family's wishes, and the play closes with Wyn and Kitty fantasizing about their yet unborn—and presumably unconceived—son. As Wyn announces, "Wynnewood Strafford the seventh should be quite a boy" (128), Kitty corrects him to trace a different genealogy: "Oh, Wyn—he's not going to be Wynnewood Srafford the seventh. We'll call him Thomas—after my father!" (129) and the stage direction notes that the curtain closes. Thus the play, while offering a tempered version of the novel, actually revises its eugenicist slant as it insists that Kitty's marriage to Wyn is possible and that their reproductive possibilities do not have to be aborted. Yet at the same time their progeny must follow her genealogy since Wyn, by marrying Kitty, must reject his.

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I ended this chapter with a comparison of the performative versions of *Bad Girl* and *Kitty Foyle* because they reveal the seemingly secretive nature of abortion politics in the middle of the twentieth century. Only the first adaptation of *Bad Girl* attempted to keep the abortion plot in its narrative and that was quickly squashed. The fact that even as abortion started to appear more prominently in the plots of novels in the early twentieth century, their depiction in plays and films, which would have always been publicly viewed, was still forbidden suggests what Leslie Reagan describes as the "open secret" culture of abortion discourses. Women of all classes and races commonly sought abortions in the 1920s and 1930s—the plots of *Kitty Foyle* and *Bad Girl* would not have

been shocking to most of their readers had these stories been told through word of mouth. What is more surprising about these novels is their frank and detailed discussion of abortion and female sexuality, which while appearing in earlier novels is always presented in more disguised language. For example, Edith Wharton's *Summer*, published ten years before *Bad Girl* and which will be discussed in the next chapter, presented abortion in more abstract terms. In *Summer*, Charity also visits an abortionist, but her body is not sexualized during the visit and the abortion ultimately never occurs. The popularity of *Bad Girl* and *Kitty Foyle* was probably precisely due to their strong disciplining forces. Readers could recognize themselves in Kitty and Dot because they were not just individuals but segments of a demarcated population. And it was precisely because these novels work on the level of population—a population that today no longer exists because of the shifting forces of control and regulation—that these novels can tell us as much about abortion in the early twentieth century as they could discipline their captivated contemporary audience.

PART II: LIFE

CHAPTER FOUR

Between the Town and the Mountain: Abortion and Bare Life in Edith Wharton's *Summer*

"It was impossible to tear asunder strands of life so interwoven."[89]

Written in 1916 and published in July 1917, Edith Wharton's *Summer* appears to be an anomaly among her work during World War I.[90] In the middle of the war, when its end was nowhere in sight and France felt bleak about future prospects, Wharton took a break to write a novel that takes place in the isolated backwoods of New England and tells the story of Charity Royall and her ill-fated but passionate romance with a man from the city, Lucius Harney. *Summer* is one of Wharton's most sexually explicit and sensuous works.[91] Charity's love affair, which ends with her pregnancy, pushes her to question the conditions that will make her life livable. It is precisely this question, the question of

[89] Edith Wharton, *Summer,* pg. 231

[90] The majority of Wharton's writings during the World War consist of articles, dispatches, and poems published in various American magazines and journals. She also published one other novella, *The Marne,* during this time. Some of her wartime essays are collected in the anthology *French Ways and Their Meanings*, and more recently Julie Olin-Ammentorp has compiled an extensive examination of her lesser-known World War I writings in *Edith Wharton's Writings from the Great War.* Wharton's relief efforts, as described in her autobiography, consisted of raising money for The Acceuil Franco-Belge, a war charity; she also helped with organizational work, forming an American section of the organization, which registered refugees and provided access to food, shelter, and clothing. For more information see Alan Price's *The End of The Age of Innocence,* which engagingly focuses on Wharton's life and work during the war. This chapter will touching on Wharton's life experience, will shy away from directly commenting on her own World War I experience.

[91] An often cited anecdote: In a letter to her friend Gaillard Lapsley, Wharton calls *Summer* her "hot Ethan" in a reference to *Ethan Frome,* which is her only other novel set in New England, but which takes place in the winter and is more sexually subdued in its writing. Both works were influenced by the time she spent in Lenox, Massachusetts at "The Mount", where she writes that "every detail about the colony of drunken mountain outlaws described in *Summer* was given to me by the rector of the church at Lenox (near where we lived), and that the lonely peak I have called 'the Mountain' was in reality Bear Mountain, an isolated summit not more than twelve miles from our own home" (*Backward* 294).

what constitutes a livable life, which must have confronted victims and volunteers in the war, as they faced hundreds of homeless refugees, badly wounded soldiers, and newly orphaned children. Charity, as a strong-willed single woman under the guardianship of the most influential man in North Dormer, exercises power over both the residents of her small town and even over her guardian because he seeks to marry her and she consistently refuses his offer. However, as she realizes the impossibility of a marriage to Harney, and she finds herself a single pregnant woman and potentially soon to be single mother, she recognizes that she must either choose the poverty and lawlessness of the Mountain or the comfort but confinement of a marriage to Mr. Royall.

Mr. Royall, as his name blatantly suggests, figures as a sovereign figure in the novel, but it is a sovereignty in crisis. He is an alcoholic, a failed lawyer, and a man who can only find sexual satisfaction in the company of prostitutes. He gave Charity her name as an infant when he "rescued" her, according to his narrative— which is the only one we hear—from the Mountain. And it is through this naming that he marks her as "other," even as he seeks to marry her and help her integrate into North Dormer. Yet what this chapter will argue is that Charity's liminal position between town and mountain, and as someone who is both racially marked as different (as I discuss later: she is described as dark, swarthy, tinted), brings her body into crisis when she becomes pregnant. The moment she becomes pregnant she can no longer exist in a limbo position between town—where human life is seen as intelligible because it exists within the confines of law and sovereignty—and the Mountain—where life is stripped to the barest of conditions because the law ceases to encircle it. Thus *Summer* questions the conditions of life for both Charity and the fetus she carries in much the same way that World War I

constructed new categories of human life because of its refugee crisis. While I do pick up strands from Wharton's experience during World War I to contextualize the novel's positioning, I will shy away from readings that biographize the text. Wharton in her letters and accounts of writing expressly stated that *Summer* is far removed from her own experiences of war, and while that may be the case, I will adamantly argue that World War I and its refugee crisis deeply color the novel and its negotiation of what constitutes a livable life. For even if war is never explicitly mentioned in *Summer*, Charity is caught in a position that mirrors that of the refugee: she must choose the precarious conditions of lawlessness or a safer but confined existence in North Dormer.

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Home, for Charity, is tenuously marked and never clearly located. When she was still an infant, she was brought down from the Mountain to live with Mr. Royall and his wife, who died several years later. Charity was taught that her birthplace was "a bad place." Later she learns from Harney that its reputation resulted from the lawlessness that reigns in the Mountain; there are no schools and churches; nor do they have a post office or a sheriff; taxes are never collected. However, when Charity discovers she is pregnant, it is precisely because the people of the Mountain exist outside the jurisdiction of law that she considers raising her child there. When faced with the decision to abort, Charity refuses because the act so clearly transgresses the law and insults her learned moral order; it challenges the very terms of her own subjectivity because she has been disciplined to understand abortion as an option "girls like her" never have to confront. Charity is caught between the laws of citizenship in North Dormer—laws that make it both impossible for her to raise a child alone and ultimately impossible to abort her pregnancy—and the

choice to live in the lawless poverty of the Mountain. Charity's world is analogous to Wharton's during the war, where the security of law, while often confining and limiting, is the only protection against a more frightening fate—the open-ended possibilities of lawlessness.

Over the past thirty years feminist scholarship has deconstructed the binary between the public sphere of citizenship, law, and sovereignty and the private sphere of domesticity.[92] Rosalind Petchesky's work in particular has focused on how the public and private control of women's sexuality is inextricably linked to "the terms and boundaries of public power in the state" (69). Read simply, Wharton's *Summer* is about a young woman who refuses to allow her guardian or her community to regulate her sexual desires. Charity's willingness to engage in premarital sexual intercourse marks her as outside the confines of citizenship in North Dormer, existing somewhere between the laws of her state and the lawlessness of the Mountain. And in fact, the abandoned house where Charity meets her lover is on the road between the two places. However, once her body is marked as capable of reproduction, or more precisely, on the verge of childbearing, she can no longer exist in her no-man's land of sexual freedom. As Petchesky argues, the laws that monitor women's reproductive rights and sexuality are meant to mold them as productive citizens of the state—citizens that produce for the benefit of the state and within its intelligibility. To do otherwise is to be banished to the Mountain, to its poverty, cold, and isolation. Given these options, Charity chooses the law by consenting to marry Mr. Royall, who perfectly embodies the law, which he guards by profession, and who will now guard her legally.

[92] See Catherine McKinnon's *Toward a Feminist Theory of the State*, Wendy Brown taking a different approach in *States of Injury*, and more specifically Judith Walkowitz's *City of Dreadful Delight: Narratives of Sexual Danger in Late-Victorian London*, for just a few examples.

Wharton once wrote that in *Summer* Mr. Royall should be viewed as the novel's main actor, although the novel is primarily focalized through Charity's perspective and emotions. Mr. Royall is an odd figure; he was once an established lawyer in Nettleton, and then for unknown reasons, which he blames on his deceased wife, he left his practice and returned to North Dormer, where Charity surmises that he is financially less stable than the town supposes. Still, despite his hardships, he is a minor celebrity in the sleepy town, and as his name suggests, positions himself as a kind of leader and authority figure. Although he has an unofficial prominent position, he seldom speaks in the novel, and Charity comments on how she has rarely heard him address the town publicly. However, soon after he discovers Charity's love affair with Harney, the town has a celebration for its Old Home Week, mostly designed for those who have left and wish to return for a short visit. As Jennie Kassanoff describes it: "A catalyst for investment, philanthropy and incestuous nativism, Old Home Week appealed frankly to its own" (128). Tracing a short history of the tradition, Kassanoff argues that Old Home Week was constructed to lure city-dwellers back to their New England roots, or at least to create an illusion that those roots existed, and that thus Anglo-Saxon Americans residing in big cities such as New York and Philadelphia actually had ties to the land that their immigrant neighbors from Eastern and Southern Europe could not claim (126).[93] For North Dormer's Old Home Week, Mr. Royall volunteers to present the keynote address, and moves his audience to applause and tears by rallying them in support of their town. Most notably he claims:

Gentlemen, let us look at things as they are. Some of us have come back to our

[93] Kassanoff also adds that Old Home Week was also constructed to help the dying economies of small towns such as the fictional North Dormer. By luring wealthy visitors "back home" and constructing a sense of heritage and community, such towns could fuel their economy and perhaps receive donations for needed infrastructural improvements.

> native town because we'd failed to get on elsewhere. One way or another, things had gone wrong with us … what we'd dreamed of hadn't come true. But the fact that we had failed elsewhere is no reason why we should fail here. Our very experiments in larger places, even if they were unsuccessful, ought to have helped us make North Dormer a larger place…and you young men who are preparing even now to follow the call of ambition, and turn your back on the old homes—well, let me say this to you, that if ever you do come back to them it's worth while to come back to them for their own good … And to do that, you must keep on loving them while you're away from them; and even if you come back against your will—and thinking it's all a bitter mistake of Fate or Providence—you must try to make the best of it, and to make the best of your old town; and after a while—well, ladies and gentlemen, I give you my recipe for what it's worth; after a while, I believe you'll be able to say today: 'I'm glad I'm here.' Believe me, all of you, the best way to help the places we live in is to be glad we live there. (194-5)

This speech seems odd for Mr. Royall as until this moment in the novel he is presented as a somber and lonely man, desiring Charity but settling for Julia, the fallen woman who has left for Nettleton. And while his speech is clearly masculinist—for the most part he appears to be addressing the men in the town, it could also be directed at Charity's longing to leave the town for what she envisions are bigger and better opportunities. More than anything, his speech reads like a war-time rallying cry in its call to tell men to persevere and always remain loyal to their origins despite hardship; he sounds like a

leader attempting to coalesce his people, to guide them into recognizing their citizenship, to see themselves as citizens. As Etienne Balibar puts it:

> That ideological form must become an a priori condition of communication between individuals (the 'citizens') and between social groups—not by suppressing all differences, but by relativizing them and subordinating them to itself in such a way that is the symbolic difference between 'ourselves' and 'foreigners' which wins out and which is lived as irreducible. (94)

In a town where most of the remaining residents could barely muster any enthusiasm for its Old Home Week, Mr. Royall accomplishes a spectacular feat by moving them to seeing themselves as "ourselves"; what his speech seeks to do is to construct an outside against which North Dormer is measured, and even if North Dormer comes out looking pitiful in comparison, what Mr. Royall succeeds in doing, at least in the moments after his speech, is constructing a community of citizens who see themselves as such. Importantly, it is a male citizen he is addressing and calling forth; thus his speech foreshadows the end of the novel when he "rescues" Charity yet again from the Mountain, but this time through the terms of marriage. Mr. Royall sets the conditions for the state, conditions that will ultimately enable it both to contain and control female sexuality, fertility, and reproduction (72-3).

The Town: An Emerging Politics

> *There is the question of when "life" begins, and then the question of when "human" life begins, when the "human" begins; who knows, who is equipped or entitled to know, whose knowledge holds sway here, whose knowledge functions as power here? –Judith Butler*

The abortion clinic that Charity's friend Ally associates with Nettleton, the closest city to North Dormer, figures prominently in the novel. When Charity plans to sneak away with Harney to Nettleton for the Fourth of July, she asks her friend if she ever desires to get away to the city. Ally remorsefully replies that she can't help associating Nettleton with the house that advertises "Private Consultations." She had taken her sister Julia there when she needed an abortion, although the word is never explicitly stated, and Julia "came as near as anything to dying" (125). Ally's vivid description of the house, she tells Charity its precise location, lingers in Charity's mind for a moment as a warning, but she dismisses it quickly as irrelevant; she is not like Julia. As she explains it to herself, "The pity of it was that girls like Julia did not know how to choose, and to keep bad fellows at a distance" (125-6). Harney was to be trusted; he loved and respected her so she could not suffer Julia's fate.

However, when Charity finds herself in Julia's predicament, while still convinced that Harney is no "bad fellow," she goes down to Nettleton to seek help from the conspicuously located house. Charity notes the lavishly decorated furniture and feels repulsed by the overdone décor. Dr. Merkle examines her and tells her that in a month's time she will be able to help Charity with an abortion. The doctor's fancy black dress and the gold chains and charms contribute to Charity's disgust; Dr. Merkle is poisonous

excess.[94] She wonders, "what was she offering her but immunity from some unthinkable crime?" (225**).** The language Charity uses to express her horror resonates with the language used in war: Not only is Dr. Merkle's name German,[95] but Charity interprets the abortionist's offer as a betrayal in language that hints of war crimes and sabotage. For what is the "unthinkable crime" for which Charity fears getting immunity? Is it having an abortion? Or is it getting pregnant out of wedlock? If it is the former, how can Dr. Merkle offer Charity immunity? Once Charity has an abortion, the immunity is not Dr. Merkle's to offer. Unless Charity "goes over to her side"; unless Charity becomes like Dr. Merkle, disdained by respected members of society, whispered about by young women, and left to exist on the margins of society. If Charity is suddenly horrified that Dr. Merkle is offering her immunity for getting pregnant, attempting to erase evidence that it ever happened, then is her fear that her love affair with Harney will also be erased? Perhaps she reads an abortion as a betrayal of her relationship with Harney. In either case, Charity's concern is one of treachery; she worries about not upholding the values she believes worthwhile, and perhaps more importantly, she worries about whether she is worthy of respect under the conditions of North Dormer. Dr. Merkle is described as "a grim gaoler making terms with her captive" (227), suggesting that Charity is a prisoner of war, and Dr. Merkle is setting the terms for her release. The words are in the language of war because they echo the language of alliance and enmity, and Charity worries that by submitting to Dr. Merkle, by having an abortion, she will never be able to return to her

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[94] Dale M. Bauer sees a connection between Dr. Merkle and the famous nineteenth-century abortionist, Madame Restell. She writes that Dr. Merkle's physical characteristics recall the abortionist, who had "black eyes and raven hair," according to popular accounts (41).

[95] Moreover both Dale Bauer and Jennie Kassanoff note that Dr. Merkle mispronounces newspaper as "noospaper," further hinting at her foreignness. Kassanoff also connects Dr. Merkle's name to the Latin root "marc-," which means *to decay* and "links her to racial decline" (145).

allies. She will be marked eternally like Hester in *The Scarlet Letter*: 'A' for Abortion. This horror leads Charity to leave the clinic as she convinces herself that she had come to see the doctor only to ascertain that she really was pregnant. She feels disgusted that "the woman had taken her for a miserable creature like Julia" (225). On her way home she thinks that perhaps now Harney will marry her; she can't help but think of it as her "sovereign right" (228) since she carries his child. Again the language of war and nations appears, broadening Charity's intimate experience into a larger realm. At this moment she believes it is her sovereign right to marry Harney because she is pregnant with his potential child. Soon she will realize the naïveté of this position; as a single pregnant woman all claims to sovereignty have been stripped from her.

Wharton's negative depiction of the abortionist reflects the staunch anti-abortion climate at the time; thus it is not surprising that she gave the abortionist a German name. As chapter two lays out in more detail, fierce anti-abortion sentiment emerged in the late nineteenth century and sedimented by the early twentieth century. Prior to 1880 it was common for American women to use a combination of contraceptives and abortion to limit the size of their families; since contraceptives were more often bound to fail compared to more contemporary birth control methods, abortion was a common back-up in case an unintended pregnancy occurred. In most states, an abortion was considered legal as long as it happened before quickening, when the woman could feel the fetus move. Since it was usually only the woman who could tell when quickening occurred, it was ultimately her choice to decide when an abortion was legally possible. She would then seek help from a midwife or nurse, who performed abortions more often than doctors. Mohr argues that doctors, overwhelmingly male in the nineteenth century,

sought to criminalize abortion as a means to control medicine and limit the number of medical and surgical practices performed by unlicensed professionals, who were not un-coincidentally women.[96] By 1880 this tactic succeeded and the majority of American states had some kind of statute either limiting or prohibiting abortion. In fact, Mohr demonstrates that the stigmatization of abortion was ingrained so thoroughly in Americans that by 1900 many Americans associated abortion practice "with unwed, lower-class women and that it destroyed—figuratively or literally— the lives of most of the people touched by it" (244). This belief, Mohr argues, took half a century to implant; in 1850 few people saw abortion as a social evil, by 1900 it was overwhelmingly viewed as such by feminists, reproductive rights activists such as Margaret Sanger, and by social reformers and politicians. By the time Wharton wrote her book abortion was illegal across the United States and available only in discreet and illegal clinics such as the one run by Dr. Merkle. In fact, the year Wharton began writing *Summer* was the same year Margaret Sanger was arrested in Brownsville, Brooklyn for opening a clinic, which distributed information about contraceptives.[97]

Leslie J. Reagan, writing about abortion during the era of its criminality (1867-1973), adds to Mohr's history and notes that until the mid-nineteenth century even the

[96] The doctors particularly responsible for organizing measures to prohibit abortion mostly belonged to the American Medical Association, which worked to professionalize and institutionalize the field of medicine. David Humphreys Storer, the first professor of obstetrics at Harvard Medical School, primarily led the anti-abortion campaign; his son Horatio Robinson Storer then continued the campaign. For a more complete discussion of their involvement see Janet Brodie's *Contraception and Abortion in Nineteenth-Century America.*

[97] While it seems hardly coincidental that Wharton was writing her novel about abortion and an illicit sexual romance while one of the most publicized birth control scandals was going on in New York involving Margaret Sanger and her birth control clinic in Brownsville, Brooklyn, Wharton had been planning to write about her novel's subject for a long time. She confided this to William Brownell in a letter. However, the events of 1916 made her feel that the time was right for her subject (Wolff 267). Perhaps the publicization of Sanger's birth control campaigns combined with Wharton's experiences during the war, triggered her feeling that the time was right for telling Charity's story.

Catholic Church approved abortion if it was done before ensoulment (7). Presumably this happened around the same time as quickening, which usually occurs during the fourth month of pregnancy.[98] Outside of religious doctrine and medical opinion, Reagan documents how most women viewed the early stages of pregnancy as not involving the life or loss of a human; the language used by women who sought abortions describes the restoration of menstruation or simply said that "it" had "slipp[ed] away" (8). As Reagan succinctly describes, "At conception and the earliest stage of pregnancy before quickening, no one believed that a human life existed … Rather, the popular ethic regarding abortion and common law were grounded in the female experience of their own bodies" (8). In fact, both Mohr and Reagan reveal that the first anti-abortion measures passed in the early nineteenth were actually poison control laws that were instituted to protect women's lives (10). When in the mid-nineteenth century abortion came under attack as a practice by medical activists, like Horatio Storer, Reagan notes that nowhere was the language of fetal life used to rally against the practice. Instead, Reagan argues that the anti-abortion campaigns had two reactionary motives: "the fight to admit women into the regular medical profession and the battle to make men conform to a single standard of sexual behavior" (11). I would also add, partially based on Reagan's own historical evidence, that another motive was to ensure that white, middle-class women continue to reproduce to counteract the growing populations of immigrants and emancipated African Americans. The regulation of abortion became another way to exert state control over women's bodies. As Reagan explains it, "In the nineteenth century abortion came under attack at a moment when women were claiming political power"

[98] Most Protestant Churches prior to the mid-nineteenth century accepted abortion, if the pregnancy presented a danger to the woman's life. Similarly, Judaism also gave precedence to the woman's life in the *Mishnah*, the Jewish code of law.

(14). And it was particularly white, middle-class women who were gaining political power and more important social positions. Therefore, when Charity refuses an abortion, the novel positions her as abiding by the normative conditions set for white, middle-class women. Dr. Merkle is positioned as the dangerous "other," who quite literally threatens the stability of women who are striving to adhere to their classed and racial values.

The Mountain: Bare Life and Reproduction

> *What is the relation between politics and life, if life presents itself as what is included by means of an exclusion? –Giorgio Agamben*
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> *Once they had left their homeland they remained homeless, once they had left their state they became stateless; once they had been deprived of their human rights they were rightless, the scum of the earth.* —Hannah Arendt

Charity's encounter with the abortionist bridges the novel's tension between the carefully defined laws of North Dormer, the town and Charity's adopted home, and the lawlessness of the Mountain, Charity's birthplace. Charity's decision to marry Mr. Royall can barely be constituted as one since it a choice between a bare life, a life stripped of all rights that mark one as human, and a livable life, one guarded and recognized by the law. Michel Foucault, after explaining how the modern sovereign exerts power not through exercising control over death but over life, adds:

> The law always refers to the sword. But a power whose task is to take charge of life needs continuous regulatory and corrective mechanisms. It is no longer a matter of bringing death into play in the field of sovereignty, but of distributing the living in the domain of value and utility. Such a power has to qualify,

> measure, appraise, and hierarchize, rather than display itself in its murderous splendor … it effects distributions around the norm. (144)

Foucault terms the "continuous regularity and corrective mechanisms" that organize and quantify life as biopolitics, or the technologies that discipline bodies to comply with the sovereign's state law.[99] Charity creates her own inner hierarchy that justifies her sexual romance with Harney and positions her as still acting within a socially accepted norm because she must make her actions legible—to herself—within the disciplinary frameworks of North Dormer. Throughout the novel Charity compares herself with Julia, Ally's older sister, who also had an illicit romance and became pregnant, and reassures herself that she is not like Julia. In fact, her decision to flee the abortion clinic is partially based on the decision that she cannot end up like Julia; she must still act within the confines of a legible norm, even if she has transgressed it in other ways.

Julia exists for Charity as a warning of what her life may become if she allows herself to slip through the cracks of her society's regulatory and corrective mechanisms. Julia physically appears only once in the novel, on the arm of Mr. Royall during the festivities by the Lake on the Fourth of July. With Harney by her side, Charity sees Julia, "her white feather askew, and the face under it flushed with coarse laughter" (150). Julia, of course, hasn't escaped the disciplining technologies of early-twentieth-century New York. She just rebelled against normative sexual behavior, and thus fell into being labeled a whore, unmarriageable, and a threat—labels that are just as disciplining through their distribution of value. She remains for girls like Charity a reminder of the costs of transgressing taboos; when Charity contemplates what to do with her pregnancy, she asks

[99] See the previous three chapters for more readings of biopolitics and its implications for abortion regulation.

herself, "Only—was there no alternative but Julia's? . . . In the established order of things as she knew them she saw no place for her individual adventure" (235). The order of things, Charity recognizes, places her extramarital pregnancy in the same category as Julia's, despite the fact that Charity persists in thinking her romance was one that started and ended in love. Still, despite Charity's condemnation, Julia lives an intelligible life. Later Charity realizes that even though Julia must have to earn her living in unnameable ways, her life is still recognized as human; she hangs on the bottom rungs of the hierarchy of life, but she is still on that rung, unlike Charity's mother.

In the narrative of the story Charity sees her mother only once, and only shortly after her mother's death. In her study of *Summer* Kathy Fedorko writes that "the confrontation with her mother on the mountain allows Charity to reclaim this shameful, wild sexual, maternal self as part of her and ultimately, to be empowered by that act" (71). While I agree that Charity's encounter with her mother allows her to recognize a part of herself that resists the disciplining of North Dormer, that recognition ultimately doesn't lead to empowerment but to acquiescence. Before her relationship with Harney, Charity knew little about the place she came from, except that it was not a place of which to be proud. The first description of the Mountain in the opening pages of the novel describes it in foreboding language:

> The Mountain was a good fifteen miles away, but it rose so abruptly from the lower hills that it seemed almost to *cast its shadows* over North Dormer. And it was like a *great magnet drawing the clouds* and scattering them in storm across the valley. If ever, in the purest summer sky, there trailed a vapour over North Dormer, it drifted to the Mountain *as a ship drifts to a whirpool*, and was caught

among the rocks, torn up and multiplied, to sweep back over the village *in rain and darkness*. (11-2, emphasis mine)

Here the Mountain seems to be the epitome of darkness and gloom. Not only does it darken the neighboring town, the narration also describes it as having a malicious force that turns just the glimmer of a cloud into a powerful storm and casts an evil spell over the town. As Mr. Royall will later describe, although the Mountain and the town inhabit different spaces, they still are intimately connected as the above narration implies. What happens in the town is always drawn into the Mountain and then released with at least twice as much force back onto the town. In the early scenes of the novel, the Mountain is always the locus of the negative force infecting the sunnier and simpler social conditions of the town. Ultimately, however, the town will prove to have the stronger force on Charity as it will compel her to acquiesce to its disciplining structures.

Although Harney has never been to the Mountain, he complicates the picture of the place. He speaks of the Mountain inhabitants with admiration, telling Charity, "It's queer, you know, that, just over there, on top of the hill, there should be a handful of people who don't give a damn for anybody" (65). And when Charity admits that she was born on the Mountain, Harney adds affectionately, " I suppose that's why you're so different" (67). His observation, which Charity reads as praise, makes her feel proud to be from the Mountain for the first time in her life. It positions her as different from the rest of the dreary North Dormer residents and legitimizes her special and privileged relationship with Harney, who is also an outsider, albeit one from New York City. Yet, that evening Charity overhears a conversation between Mr. Royall and Harney that confirms her worst fears about her birthplace and alienates her from Harney. Mr. Royall

tells Harney, “Why the Mountain’s a blot.… The scum up there ought to have been run in long ago… The Mountain belongs to this township, and it’s North Dormer’s fault if there’s a gang of thieves and outlaws living over there.… They ain’t half human over there” (71). Charity waits for Harney to protest Mr. Royall’s ghastly depiction of the Mountain, and when he doesn’t she feels humiliated and rejected. Even though her relationship with Harney continues after this estrangement, Charity has already internalized Mr. Royall’s portrayal of the Mountain people. She wonders whether in Mr. Royall’s declaration that the Mountain people “herd together like the heathen” or when earlier she imagines “these poor swamp-people living like vermin in their lair” (86), she too cannot escape being classified within this population, which after all, seems to resist any attempts of individualization. The people of the Mountain are always classified as a mass, like vermin or herds, and thus Charity’s fear is that even though she escaped, she still belongs to this group of outsiders.

When Charity realizes that she can neither marry Harney, nor abort her pregnancy, nor raise her child alone in North Dormer, she decides to live on the Mountain so she could “escape from all that hemmed her in and beset her” (236). She arrives at the Mountain, after an exhausting hike, just in time for her mother’s funeral, a gruesome and pitiful event; at first she is unable to recognize her relation to such a pathetic looking figure. The description is one of the most haunting passages in Wharton’s novel, and as Lee points to, resonant with what Wharton experiences during the war:

> A woman lay on it [a dirty mattress] but she did not look like a dead woman; she seemed to have fallen across her squalid bed in a drunken sleep, and to have been

> left lying where she fell, in her ragged disordered clothes. One arm was flung above her head, one leg drawn up under a torn skirt that left the other bare to the knee; a swollen glistening leg with a ragged stocking rolled down about the ankle.… She looked at her mother's face, thin yet swollen with lips parted in a frozen gasp above the broken teeth. There was no sign in it of anything human: she lay there like a dead dog in a ditch." (248)

She is abject, discarded: bare life.[100] For Agamben the figure of bare life is central to modern biopolitics. He argues that since World War I with the sudden emergence of large numbers of refugees the connection between nationality and birth could no longer be clearly made; the refugee breaks "the continuity between man and citizen, *nativity* and *nationality*" (*Homo Sacer* 131). This broken connection means that the very claims of national sovereignty then waver, threatening the nation-state's controlling and regulative measures. However, as this link breaks, nation-states "become greatly concerned with natural life, discriminating within it between a so-to-speak authentic life and a life lacking every political value" (132)—a bare life.[101]

The poignant and gruesome scenes on the Mountain describe it as a

[100] The term bare life, as I'm using it here, comes from Agamben's *Homo Sacer,* which has its roots in Roman law. According to this law, Homo Sacer is a man who can be killed but cannot be sacrificed. Agamben reads this law into more contemporary politics, suggesting that today life, or in Judith Butler's terms—a livable life, only exists with state law. Thus the subject that exists outside the law is bare life, abject, perhaps homeless—like the Rwandan child pictured on American TV begging for money, yet perhaps no longer alive on Rwandan soil, Agamben tells us. Butler also has an interesting discussion of this kind of life, which she terms "merely life" (see *Undoing Gender)*.

[101] These are precisely the conditions and breakages that Wharton would have noticed in her intimate and often frustrating work in trying to obtain a decent standard of living for refugees during World War I.

"lifeless circle" (236) populated with people whose movements mimic "the heads of nocturnal animals" (248) and "herded together in passive promiscuity in which their common misery was the strongest link" (259). Observing the starkness of the life around her, Charity comes to realize that "Anything, anything was better than to add another life to the nest of misery on the Mountain…" (261). Her refusal to have an abortion, and then her refusal to live on the Mountain then become a way of choosing life as a means to distinguish herself from bare life. And in Charity's conception of bare life, it means attempting to carve out a life that breaks away from the herd; she longs to construct as life that is not controlled by the forces that shape the miserable mass of Mountain inhabitants. Charity at first thinks that escaping to the Mountain might give her freedom from law, as she describes it to "begin life again among people to whom the harsh code of the village was unknown" (238) because under the conditions of bare life the guiding principles are those of the herd's.

Wharton's novel both complicates and contributes to a construction of life as always shaped by law. While the novel might seem to be anti-abortion, it also undoes the rhetoric of life as sacred and stabilized by demonstrating how Charity's life and the life in her womb are disciplined through codes of living. Life is imbued with meaning when the law surrounds it and anoints it with subjectivity and individuality as a means of dividing those that count from those that do not. But ultimately, as in contemporary abortion politics, this decision says less about whatever matter is granted the status of life, and more about those doing the deciding and then what that means in terms of how their lives count and have meaning. So, for example, at the end of the novel, when Mr. Royall finally "wins" Charity's hand in marriage and parental rights over her soon-to-be child,

his life and law are then granted the ultimate legitimacy and power, while Charity's will is defaced and deflated in exchange for a recognition of her life and the fetus'.

Thus it is precisely when Charity recognizes her mother as bare life, a life that has been excluded not only from citizenship but also any political recognition, that she understands the conditions that led to her pathetic state in life and death and she begins to see in her the possibility for human-ness. She realizes, "after all, was her mother so much to blame? Charity, since that day [the day of Mr. Royall's conversation with Harney], had always thought of her as destitute of all human feeling; now she seemed merely pitiful" (260). This emotional comprehension of her mother's bare life as life potentially imbued with human-ness disciplines Charity through the technologies of biopolitics. As she understands her mother as living on the cusp of recognizable human life, she also becomes subjectivated through the codes of North Dormer. And it is this understanding that leads her not to feel empowered but acquiescent. When Mr. Royall feeds her on the way back from the Mountain, she feels the coffee flow through her veins and revive her; "she began to feel like a living being again; but the return to life was so painful that the food choked in her throat and she sat staring down at the table in silent anguish" (269). Then later, back in his carriage "she had only a confused sensation of slipping down a smooth irresistible current" (273). Mr. Royall offers her safety, warmth, food, and shelter—all the conditions of a livable life that would allow her to escape following her mother into the desolate and barely livable conditions of the Mountain. As Wendy Brown incisively describes, "Given a choice between rationalized, procedural unfreedom on one hand, and arbitrary deprivation, discrimination, and violence on the other, some, perhaps even most, women might opt to inhabit a bureaucratized order over a 'state of nature…'"

(171). "Choice" is then not really an option, although Brown only alludes to the problematics of this term. Charity, as she returns to the town with Mr. Royall, finds his voice "so strong and resolute that it was like a supporting arm about her. She felt resistance melting, her strength slipping away from her as he spoke" (271). As Charity has harshly learned, resistance doesn't lead to escape but to different entrapments that regulate her body and limit her movements. Marrying Mr. Royall just has its own price, one that she is painfully aware of and that makes her rejuvenation so agonizing. A livable life is also a compliant one, one subject to regulation and control under the terms of Mr. Royall and the town.

Agamben argues that in the twentieth and twenty-first centuries "there is politics because man is the living being who, in language, separates and opposes himself to his own bare life and, at the same time, maintains himself in relation to that bare life in an inclusive exclusion" (8). If we think back to Mr. Royall's discussion with Harney about the Mountain, then Agamben's seemingly paradoxical statement becomes crystal clear: Mr. Royall insists that the Mountain territorially belongs to North Dormer; there is a relation between the people of the town and the people of the Mountain. And yet, Mr. Royall sees himself in complete opposition to the Mountain people. If they are barely human because they live outside the law, with no organizing institutions or the ceremonies that mark what he defines as civilization, then it is precisely Mr. Royall's subjectivation through law, which marks him as human. And ultimately, this is what compels Charity to choose his legible form of human life.

Judith Butler confronts these same questions about the recognizability of life, but in slightly different terms that might help elucidate my discussion and bring in important

complications. She first approaches her discussion on life, or what she terms precarious life, through Levinas's argument about the face. As she asserts:

> For Levinas, then the human is not *represented by* the face. Rather, the human is indirectly affirmed in that very disjunction that makes representation impossible, and this disjunction is conveyed in the impossible representation. For representation to convey the human, then, representation must not only fail, but it must *show* its failure. There is something unrepresentable that we nevertheless seek to represent, and that paradox must be retained in the representation we give. (144)

The face, and by this both Levinas and Butler are not necessarily referring to the human face, is both what reveals the human and also disguises it. The face, as Butler points out, can be a woman's crouched back, but a back that we recognize as containing human life and as being human. On the other hand, the human face can be precisely that which we do not recognize as human—as, in Butler's example, the face of Osama Bin Laden for Western television viewers. In this instance, Butler notes, "The face here masks the sounds of human suffering and the proximity we might have to the precariousness of life itself" (145). The face in this example is distanced and dehumanized; it works precisely to create normative constructions of what and who is recognized as human and as embodying a human life. It seeks to turn us away from exposing, in Butler's words, "the precariousness of life itself" in order to present life as stabilized and intelligible in only certain terms. As Butler continues:

> Sometimes they produce images of the less than human, in the guise of the human, to show how the less than human disguises itself, and threatens to deceive

> those of us who might think we recognize another human there, in that face. But sometimes these normative schemes work precisely through providing no image, no name, no narrative, so that there never was life, and there never was a death. (146)

Butler's essay seeks to understand how human life can be effaced in war, particularly the war in Iraq post-September 11, 2001. For her the face is the veneer that either shields the human, making him recognizable to us as human and containing a significant life, or the face can be that which strips the human into bare life—exposing how the human form does not always contain human intelligibility, how sometimes the face can be precisely that which makes us shudder and move away from this life that exists outside the law.

The questions Butler asks could seamlessly be applied to the conditions during World War I, and it could even be argued that what Butler is recognizing as the precariousness of life emerged during that war in its current manifestation. Similarly, as Charity's mother exists on the margins of human-ness, and an existence that Charity at times also straddles, she appears as an embodiment of the effacement of life, and even death because how can death occur when life is not there to precede it. As Charity describes it, even in death her mother did not look dead because it was almost impossible to imagine that she could have once been alive: "There was no sign in it of anything human" (250). Indeed, Charity avoids looking at the faces of those around her because she wants to "avoid the sight of the living faces which too horribly showed by what stages her [mother's] had lapsed into death" (251). As Butler succinctly explains, "The 'I' who sees that face is not identified with it: the face represents that for which no identification is possible, an accomplishment of dehumanization and a condition for

violence" (145). Charity cannot see her mother as a once living being because she cannot, or perhaps does not want to, recognize the potentiality of bare life within herself. Thus the body sprawled on the thin mattress, the body that is neither alive nor dead is "a dead dog in a ditch"—not human, not sheltered, neither here nor there.

However, Butler's plea for us to step outside the norms that configure the intelligibility of human-ness is complicated when applied to abortion and the recognition of the fetus. What is the face of the fetus? Does the fetus even have a face?[102] In the schema of *Summer*, a novel that has been called anti-abortion,[103] this is a complicated question because the narrative of the novel never simply considers the life of the fetus Charity is carrying. Charity regards her pregnancy in the language of sovereignty and rights, as when she returns from the clinic and feels that "She no longer had any difficulty in picturing herself as Harney's wife now that she was the mother of his child; and compared to her sovereign right Annabel Balch's claim seemed no more than a girl's sentimental fancy" (228). And then shortly after, when she returns from Dr. Merkle's clinic and receives Harney's letter confirming his engagement to Annabel Balch, a

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[102] Reproductive technology, specifically ultrasounds, has quite literally put a face on the fetus and changed abortion politics in the twentieth century. See Rosalind Petchesky's "Fetal Images: The Power of Visual Culture in the Politics of Reproduction" and Karen Newman's *Fetal Positions: Individualism, Science, and Visuality.* While both works have done important and interesting theorizing on how the capacity to see fetal imagery has changed the way anti-abortion activists have presented their case, following Butler, I am here less interested in the actual face of the fetus than in the way this face is constructed to argue for or against the life of the fetus. Nevertheless, I think Petchesky and Newman's arguments strongly underpin the point I am making here.

[103] See for example Jennie A. Kassanoff's *Edith Wharton and the Politics of Race*, which argues that *Summer* represents one of Wharton's most conservative periods and her conviction that democracy had failed as a viable method for government. She also argues that Wharton was invested in maintaining anti-abortion laws, although other studies of Wharton, such as Dale M. Bauer's *Edith Wharton's Brave New Politics* suggest otherwise. See page 32 of the work for more explanation. Here, however, I'm less interested in Wharton's personal opinion on abortion politics and more in what *Summer* reveals about the discourse of abortion and race in the early twentieth century.

wealthier, more socially powerful woman than Charity, she recalls her love affair with Harney and thinks:

> All these memories, and a thousand others, hummed through her brain till his nearness grew so vivid that she felt his fingers in her hair, and his warm breath on her cheek as he bent her head back like a flower. These things were hers; they had passed into her blood, and become a part of her, they were building the child in her womb; it was impossible to tear asunder strands of life so interwoven. (231)

Kathy Grafton, reading this scene through a psychoanalytic lens, notes that Charity "affirms herself not only by accepting her pregnancy, but by accepting her relationship with Harney and believing in what they shared together. She does not feel that she should have to spell out her choices for a society which does not understand her. Rather, she owns her individual power through self-affirmation, not the affirmation of others" (365). However, what Grafton does not read in this scene is Charity's urgency to write Harney because he will offer her "reassurance and safety" (232), and how before Charity has the opportunity to write her letter, she encounters Mr. Royall, who with few words strips all her self-affirmation, forcing her to realize that she cannot marry Harney because it would not allow her to escape the derision of society. She would just become one of those girls who was mocked for marrying out of desperation, and for Charity that fate is worse than Julia's, because at least Julia had "refus[ed] to be snatched" (235). Charity's pregnancy is not tied to a language of life that attaches meaning to her unborn child, rather for her, as Grafton points out indirectly, her pregnancy provides significance to her life because for a moment it grants her recognition, under the eyes of Harney, the state, and for her own possibilities of living. Yet within moments that significance is shattered as a

confrontation with Mr. Royall awakens her not to self-affirmation but to her enclosures. "The strands of life so interwoven" while tying her life to Harney's, also set the terms of her entanglement and confinement within the judging walls of North Dormer and Mr. Royall. Thus she sees the Mountain as "her inevitable escape from all that hemmed her in and beset her" (236).

What *Summer* exposes is that abortion rhetoric about the politics of life is never really about the life of the fetus or the unborn child; rather, it's about the limits of sovereignty, recognition, and agreement to the terms of containment and conditioning for the woman carrying that fetus. For Charity, it's about recognizing that when we live in a state of exception,[104] the danger is in being banished to the outside, to those places where the law claims to not apply, but where it actually points to in order to uphold itself. In *Summer* this is the Mountain, a place not only of stark poverty, but where human beings live on the threshold of what is recognizable as human. Thus the face of the fetus neither exposes the limits of the human nor the precariousness of life, as Butler explains it, but rather the fetus is constructed as a face in order to deface the body of the pregnant woman. When Charity becomes pregnant, her choices are no longer her own because, as I argued earlier, whatever move she makes is now in relation to her legibility in the state. She now produces for the state and within its conditions, and if she chooses to attempt transgression, either by escaping to the Mountain or having an abortion or even marrying

[104] The phrase "State of Exception" as I'm using it here implies a state of emergency where the law has been suspended indefinitely. I'm borrowing the term as it was first cited by Carl Schmitt and Walter Benjamin, and then elaborated upon by Agamben. Here I'm arguing that Charity lives in a state of exception both in North Dormer and the Mountain, or rather in the relational existence of the two places; in North Dormer the crisis is always in the town's fear and disdain of the Mountain, which it claims threatens it with its lawlessness but where the threat of being banished to the Mountain also always exists. And on the Mountain law is always suspended and relational to the conditions of the town. In Chapter Five I discuss these ideas further as they unfold in William Faulkner's *Wild Palms.*

Harney because of her pregnancy, she will either be stripped down to the bareness of humanity or be forever ridiculed and shunned for her position—in the novel's language, called "a whore." Her days of negotiating an in-between-ness that allows her to literally meet her lover between the town and the Mountain are over once her body is marked as reproductive.

War and the Age of Massacre

> *It is almost impossible even now to describe what actually happened in Europe on August 4, 1914. The days before and the days after the first World War are separated not like the end of an old and the beginning of a new period, but like the day before and the day after an explosion.*—Hannah Arendt

Wharton spent the majority of the war in France reporting from the front, organizing relief efforts for Belgian refugees (particularly women and children), placing victims of tuberculosis in sanatoriums,[105] and rallying support for the allies' cause. While she uses Charity's affair and its eventual dissolution to frame *Summer*, there are larger questions that subtend the work and reflect back to the Allies' growing uncertainty and insecurity in the midst of World War I; volunteers for the war effort often left abruptly, raising funds was difficult and time-consuming, and the problems of newly-arrived refugees were immense. In 1915 Wharton also agreed to report on military hospitals on the front for the French Red Cross, which she documented in a series of articles published in *Scribner's Weekly*, the popular American magazine. After such exhausting wartime work, Wharton writes:

[105] At the start of the war, France had a law against using the word "tuberculosis" because it was associated with refugees and the xenophobia that emerged as they started flooding France. Instead TB was most often called "*bronchite chronique"* and the sanatoriums Wharton instituted were named *"Maisons Américaines de Convalescence"* (Lee 477).

> The noting of my impressions at the front had the effect of rousing in me an intense longing to write, at a moment when my mind was burdened with practical responsibilities, and my soul wrung with the anguish of the war. Even had I had the leisure to take up my story-telling I should have had no heart for it; yet I was tormented with a fever of creation. (*Backward* 355)

It was this feeling of restlessness in the middle of a long war that everyone thought would only last a few months, which finally inspired her to write *Summer*, a novel that she describes as "remote as possible in setting and subject from the scenes about me" (356).[106] She felt an intense pleasure in writing this novel, although she admits that its progress was often interrupted by her relief work. Still she claims that while writing the novel she was able to detach her mind from the harshness of war, "while the rest of my being was steeped in the tragic realities of the war" (356). However, despite Wharton's assertion, *Summer* is intricately connected to the lawlessness and abjection experienced during wartime efforts, perhaps by Wharton and certainly by the refugees and victims of tuberculosis she worked with. The novel questions the conditions that make life possible, especially without citizenship and recognition by the law, and these are questions that are rooted in the experience of homelessness and expulsion.

1915, the year before Wharton began writing *Summer*, was a difficult one for France. Thousands of French soldiers and civilians died or suffered injuries, and the Allies had few victories in battle. The United States had still not joined the war, even

[106] Hermione Lee writes, "Everyone—including the soldiers and many of the politicians (and not just in France)—believed the war would be short." In Wharton's *A Son at the Front,* one of the characters declares that "It's a matter of weeks" before the war will end, shortly after it just begins.

after the Germans attacked the *Lusitania*, a British passenger ship, causing many American deaths. Wharton was in despair, but working on five hours of a sleep a night to help ease the atrocities. After a visit to the front, she wrote to a friend:

> I got back late last night after a journey that I shall never forget. The country we went through is so ravaged that one cannot even get a piece of bread at Noyon or any of the other towns … the Germans have taken literally everything. As many refugees from the ruined villages have taken refuge at Ham. I asked the 'Maire' to distribute the 1,000 francs you so kindly sent to me; but he handed me back the money and said: "Money has no value here, there is nothing to buy. Please take this back to Paris and ask the lady who was kind enough to give it to you to send us clothes as quickly as possible." (qtd. in Lee 493)

Wharton's description points to how war can make the very conditions of human survival unrecognizable. In her description the Germans have stripped the French towns of everything that made them "civilized," all the institutions they constructed that make life livable. There was not even bread available, as Wharton notes. The very basic needs for survival are unavailable; and her money is turned away because there is no longer any semblance of an economic infrastructure. Give us clothing, is the demand; help us recognize ourselves as human beings again.

Eric Hobsbawm, writing about WWI in the context of what he calls the short twentieth century (1914-1991) sees the First World War as "the breakdown of the (western) civilization of the nineteenth century" (6). It was the first war fought on an almost global scale, involving countries from all the continents,[107] and it killed more people than any prior war. Thus Hobsbawm declares, "1914 opens the age of massacre"

[107] The First World War was almost global: Latin American countries played a minor role.

(24), especially on the "Western Front" of Germany, composed mostly of France and Belgium, which "became a machine for massacre such as had probably never been seen in the history of warfare" (25).[108] France, for example, lost twenty percent of its men of military age (1.6 million men), and more than one third of French soldiers suffered an injury, often severe and debilitating. The United States lost 116,00 men; however, they entered the war for only a little over a year and only on the Western Front. Beyond the tremendous loss of life, the First World War also ushered in the problem of refugees, never before seen on such a large scale. Hobsbawm estimates that four to five million refugees emerged by the end of the war, people who were stateless and seeking settlement in a new country (51). These upheavals changed ideas of citizenship and nation, and forced a reconsideration of the tethered connection between human life and human rights.

Giorgio Agamben, like Hobsbawm, traces the refugee as a mass phenomenon to World War I; he writes, "We are used to distinguishing between refugees and stateless people, but this distinction was not then as simple as it may seem at first glance nor is it even today" (*Means Without Ends* 16.7) During the beginning of the war, thousands of refugees fled their countries out of choice and not because the state no longer recognized them. On the other hand, one of the policies emerging out of World War I is the forceful denaturalization and denationalization of citizens of "enemy origin." France began this practice in 1915, denaturalizing all Germans who had moved to France and obtained citizenship before the war. In the next decade several European countries would follow

[108] More people, civilians and soldiers, would die in World War II, but Hobsbawm argues that WWI sets the precedence for war on such a mass and brutal scale.

this example.[109] Agamben argues, "Such laws—and the massive statelessness resulting from them—mark a decisive turn in the life of the modern nation-state as well as its definitive emancipation from naïve notions of the citizen and a people" (*MwE* 18.8). What World War I marked was a break between what constitutes a people and a nation; the two were no longer synonymous as large numbers of people, either by choice or by force, became stateless people, people living on the threshold of citizenship, so that new categories of life had to emerge.

For Hannah Arendt, as the epigraph to this section suggests, the First World War was a time of divine violence[110] for Europe: it wiped out all that had been familiar, and in the aftermath of the war, what remained were smoking ruins that needed to be completely rebuilt. She sees the first decades of the twentieth century as verging on the brink of barbarism because the war displaced and expelled so many peoples from their homes. She writes:

> The great danger arising from the existence of people forced to live outside the common world is that they are thrown back, in the midst of civilization, on their natural givenness, on their mere differentiation. They lack that tremendous equalizing of differences which comes from being citizens of some commonwealth and yet, since they are no longer allowed to partake in the human artifice, they belong to the human race in much the same way as animals belong to a specific animal species. (302)

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[109] Portugal had one of the most wide-reaching denaturalization policies. In 1916 a law was passed that all citizens with a German father were no longer recognized by law as Portuguese.
[110] The term "divine violence" is taken from Walter Benjamin, who argues that divine violence is so absolute that it creates conditions for complete change. After divine violence has occurred life can never be the same again because of the utter demolition. See his "Critique of Violence" in *Reflections*.

Arendt, writing about the First World War as a refugee of the next world war, sees the refugee as having the potential to act from a place of otherness that can radically undercut the displacement of human life to the margins, which occurred during WWI and again in World War II. However, the danger of this position, as she notes above, is the complete disconnection from the civilized precisely as one is living within this civilization. It reduces the refugee to a category of the human, one that is allowed to remain on the outside, exterior to all other forms of human life. Agamben extends her observation by arguing:

> Here the paradox is that precisely the figure that should have embodied human rights more than any other—namely, the refugee—marked instead the radical crisis of the concept. The conception of human rights based on the supposed existence of a human being as such, Arendt tells us, proves to be untenable as soon as those who profess it find themselves confronted for the first time with people who have really lost every quality and every specific relation except for the pure fact of being human. (18.9)

Agamben notes that in the modern nation-state there is no space for the "pure human" to exist. While the refugee problem should foreground the crisis of human rights, as Arendt initially hoped it would, instead it opens the possibility that the human can exist stripped of all markers that make it recognizable as human and signify the possibility for human life; instead what is left is naked life, just "the pure fact of being human."

In Wharton's war-time novella, *The Marne,* first published as a serial by *The Saturday Evening Post* in late 1918, the experience of the war invests her writing with a similar understanding that human life can also be bifurcated into its bareness. The

novella, which actually describes little about war, is more concerned with Troy, an American boy who longs to fight in the war on France's behalf. In an early scene of the novel, the narration describes:

> For while feeling ran high, and Troy, listening to the heated talk at his parents' table, perceived with disgust and wonder that at the bottom of the anti-war sentiment, whatever specious impartiality it put on, there was always the odd belief that life-in-itself—just the mere fact of being alive—was the one thing that mattered, and getting killed the one thing to be avoided. (277)

While the phrase "the mere fact of being alive" encapsulates an understanding of life that differs from Agamben's—*The Marne* is ultimately describing a stark fear of death in the passage—it still recognizes an important political difference between "life-in-itself," a life that is simply about breathing and existing, a kind of animal life or what the Romans called *bios*, and a life that has political recognition and the embellishments that human beings exist within that differentiate us from animals. *The Marne* is ultimately not concerned with exploring these differences as it has a different political agenda, which is to shame Americans for not joining the war sooner. Similarly, Wharton's other war-related novel, *Son at the Front*, not published until 1923, is also more concerned with condemning Americans for not joining the war earlier and focused more on the infrastructure around the war than with the actual experience of the war and its numerous atrocities.[111] In Wharton's other war-time writings such as *Fighting France*, which was written during the first year of the war and published in 1915, and in *The Book of the Homeless*, a compilation consisting of famous writers and artists of the time whose

[111] *The Son at the Front*, like *The Marne*, is primarily about an oddly-assembled American family consisting of a father, mother, and step-father that come together to do anything to prevent their only son, born in France but raised in American, from fighting on the front.

proceeds would go toward funding her charities, again there is little graphic description of refugees struggling with the bare necessities of life, a scene Wharton must have seen re-played countless times. Perhaps, echoing her good friend Henry James, who in the beginning of the war declared, "The war has used up words," Wharton struggled with the problems of representing this bareness of war without resorting to sentiment or exploitation. She once wrote, "Women cannot write about the war and be taken seriously unless they turn themselves into men" (Lee 494).[112] Thus both her explicitly war-related novels failed to really address the experience of war, but *Summer* found a way to discuss the war, to portray vividly the hardships encountered by refugees, without over-sentimentalizing them and without being accused of entering terrain that did not belong to a woman writer. Indeed, she was able to do so only by writing a war novel that not once mentions the war that surrounded and preoccupied its author.

Beyond the Town and the Mountain

> *The principles of heredity teach us that education and training, however beneficial they may be to individuals, have no material effect upon the stock itself. …The demand for a higher birth-rate ought to apply strictly to desirables. Instead of this the cry is for education and physical training, processes which can have no permanent beneficial effect upon the race.* –Robert Heath Lock

Hermione Lee, Wharton's most recent biographer, writes that *Summer* and *In Morocco*, the non-fiction book she worked on during the same period that is also not overtly related to the war, are both "shadowed by violence and death, and both contain implicit arguments about imperialism, nationalism and patriotism" (508). While Lee's

[112] In perhaps what is a fictionalization of this frustration, the protagonist of Wharton's short story, "Writing a War Story," struggles to capture the war in her fiction, and ends up receiving attention and praise only for the attractive photograph of her that accompanies the publication of the story.

biography does not explicitly address how *Summer* is implicated in the circulating political ideologies of the era,[113] she makes a compelling argument for Charity's animalism, describing how Charity "feels and thinks through her blood, she lies on the ground like an animal" (508). For Lee, Charity's animal-like qualities conflict with her desire to be accepted in North Dormer and loved by Lucius Harney, and thus point to her liminal position—on the threshold between being accepted and embraced by the law and shut out in no-man's land, where the value of human life has little significance and through which ideologies of imperialism, nationalism, and patriotism emerge and circulate through the novel. As Lee continues to argue:

> The slaughtered corpses, the wretched women and children, the refugees with their homes destroyed, the balm of religious ritual (increasingly appreciated by Wharton in wartime), the efforts, however partial and difficult, of charity, cluster behind this scene [of Charity's dead mother on the mountain]. And Charity, like so many of the war survivors Wharton was dealing with, is a victim. The choices she has to make as a woman are few and grim. This is one of Wharton's most outspoken and lacerating books about the limitations of women's lives. She is not easily described as a feminist writer, but *Summer* is particularly bitter about female oppression. Charity is at the mercy of a male double standard. Royall, himself, prone to 'debauchery,' is violently abusive about Charity's 'half human' mother and Charity's bad blood.… Charity's choices are to return to the 'animal' life of her mother, or to have an abortion, or to become a prostitute." (512)

[113] Lee's biography is the most thorough work on Wharton's life to this date. Understandably, in its eight hundred plus pages, there is little room to cover close readings of Wharton's novel. However, in the few pages Lee devotes to *Summer* she provides one of the most insightful readings connecting the novel to World War I.

I cite Lee's passage at such length because it not only encompasses the various threads of this chapter, but it also bridges together the underlying intentions of *Genealogies of Abortion* and ties together its two sections, life and choice.[114] Charity's dilemma exposes the contradictions inherent in being a refugee—on the one hand, she seeks acceptance, shelter, and the most basic conditions that make human life livable, but on the other hand, by accepting these conditions, by becoming, quite literally, Charity, she gives in to sacrifice and acquiesces to the limitations imposed on citizens by the laws of North Dormer. Charity accepts that in order to be recognized by the law, choice is virtually obliterated—only under specific conditions will human life, specifically her life, be recognized. Interestingly, Lee uses the description "bad blood" to explain Charity's past and her descent from the Mountain; while Lee leaves that phrase undefined, she alludes to the handful of works that have drawn connections between *Summer* and Wharton's uneasy relationship with eugenics. Drawing on these works I will stretch these connections further to speculate on how Charity's supposedly dysgenic qualities are connected to abortion politics and the emergence of human life separated from citizenship in World War I.

Allison Berg argues that *Summer* "depicts Charity's physical generativity as an obstacle to her desires" (62). [115] She sees Charity as existing in the liminal space between

[114] Lee's biography of Wharton came out in early 2007, as I was beginning to work on revisions for this chapter. I was struck by how in a small paragraph she captured the argumentative thrust of this chapter because in the last eighty-plus years of scholarship on *Summer* few critics have read *Summer* in connection to Wharton's experience of World War I. However, since Lee is writing in the genre of biography, she has little room to elaborate on this argument in her lengthy study of Wharton's life. Therefore, I read this small passage as gesturing in abbreviated form to my larger argument.

[115] Allison Berg has written one of the most compelling analyses of *Summer*, demonstrating that the novel reads as a critique of the romance "plot" in its unsentimental depictions of romantic love that ends up thwarted. Berg compares *Summer* to Kate Chopin's *The Awakening*, and argues

the degenerativity of the mountain and the opportunity to redeem her mother's past choices by raising her child in the town, married to Mr. Royall. As she asserts, "Wharton's engagement with the debate about eugenics is most obvious in her juxtaposition of the 'civilized' town of North Dormer with the 'passive promiscuity' of the mountain community and in her interest in what joins the two" (55). Berg traces Wharton's interest in eugenics to her familiarity with two popular accounts of Darwinism, Vernon Kellogg's *Darwinism Today* (1907) and Robert Heath Lock's *Recent Progress in the Study of Variation, Hereditary, and Evolution* (1906)[116], both of which Wharton writes about in letters and in her journals. Berg says little about Wharton's investment in the ideas of these post-Darwinists; Lee, in her biography, notes that they excited Wharton's interest as she was reading them on one of her trips back to New York.[117]

In *Summer* Wharton's interest in post-Darwinian thought is subtler. There is no overt commentary on the organization of race, the role of hereditary traits, or the effects of evolution. Dale M. Bauer, contributing to the discussion of the role eugenics plays in the novel, does note that, "*Summer* witnesses the origin of Wharton's interest in nativist arguments, family system studies, and reproductive politics" (28) and argues that *Summer* was not an anomaly in its interest in eugenics, but was written in the same years as Margaret Sanger's eugenicist arguments for birth control and Henry H. Goddard's *The*

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that they both sustain the same critique of romance through their more honest depictions of female sexuality. She also argues that *Summer* belongs to the same awakening genre that *The Awakening* helped establish.

[116] Both Lock and Kellogg contributed to the then popular belief that intelligence and stupidity were inherited, and thus certain families and/or races were doomed or destined to their social position. See the epigraph to this section for an example from Lock.

[117] Lee also adds that on her return home, Wharton pointed out a passage she found compelling to her husband, and when he gave her an uninterested response, she took it as another sign of their incompatibility.

Kallikak Family, which examines a supposedly dysgenic New Jersey family (29).[118] Both Sanger and Goddard were fixated on the organization and hierarchization of races into types and classes. *The Kallikak Family*, for instance, is a supposedly representative example of a *type* of population. In *Summer*, while the Mountain people certainly are presented as a class with inherited traits, the language of post-Darwinian eugenicists becomes even more apparent in the descriptions of Harney's classification of houses in North Dormer and the surrounding areas. Harney's visit to the region is premised on his burgeoning career as an architect; he comes to North Dormer to investigate its old houses, and while Charity is at first confused by the project, she soon enlists as his assistant, pointing him to exemplary houses. When she suggests they visit a dilapidated house on the outskirts of town, Harney asks, "What house? Oh, yes: that ramshackle place near the swamp, with the gipsy-looking people hanging about. It's curious that a house with *traces of real architecture* should have been built in such a place" (63, my emphasis). Later, when they visit it and receive a cold welcome from its inhabitants, he tells Charity, "they had seen other houses far more 'typical' (81). The narrator notes that "typical" is Harney's word choice, not Charity's. When they leave the house Charity bursts into tears, worried that Harney will associate her with the impoverished and rude inhabitants because they both come from the Mountain. Although Harney never explicitly

[118] Bauer, in a move against previous readings of the novel, including Berg's, reads *Summer* as a critique of these family studies, which, as the epigraph to this section proclaims, argued that mothers pass down "bad blood" to their children and thus entire inferior races are born (29). Wharton's lover at the time, Morton Fullerton, was an avid critic of the social Darwinism that was flourishing at the time and which contended that certain races dominated over others. Bauer argues that while Wharton might have supported this view before World War I, by the start of the war (and before she begins writing *Summer*) she begins to question "once-popular ideas about the hereditary nature of feeblemindedness —along with the advisability of eugenic engineering—as a result of her sympathy for what R.W.B. Lewis tellingly describes as 'the wretched of the earth'" (31).

creates a classification of populations, his work with houses already implies that he hierarchizes the material world around him. Some houses have "real architecture" and are representative of a superior class, while others are less true to type and represent degradation and inferiority. This type-casting of homes then bleeds into the way Harney sees Charity and her world, which in turn disciplines Charity to see herself as living tenuously on the margins.

In the scenes in which Charity gazes at herself in the mirror or where she in conscious of her appearance, the narration again points to Charity's liminal position by pointing to her skin color. [119] In an early scene in the novel, even before Charity meets Harney and long before she learns of his engagement to Anabel, Charity "looked critically at her reflection, wished for the thousandth time that she had blue eyes like Anabel Balch, the girl who sometimes came from Springfield to spend a week with old Miss Hatchard, straightened the sunburnt hat over her small swarthy face, and turned out again into the sunshine" (8). Later in the novel, as she happily sets off to meet Harney, the narration describes, "Her small face, usually so darkly pale, glowed like a rose in the faint orb of light…" (39-40). And finally, when she puts on a faded pink dress, Charity notes that it "…was still bright enough to set off her dark tints" (77). In each of these scenes, Charity is described in contrast to brightness, and while her "natural" complexion is dark, swarthy, or darkly tinted, her integration into North Dormer, which means her

[119] Berg notes that Wharton named Charity after a black girl descended from a slave, whom she read about in a newspaper reporting about a violent crime she committed (Benstock, qtd. in Berg 75). However, Berg adds:

> Though Wharton describes Charity as 'swarthy', her difference from the community of North Dormer is not, strictly speaking, a distinction of race. Yet by the second decade of the century the distinction between racial and class difference was blurred by the growing interest in family studies, which attempted to prove the hereditary origins of crime and disease by tracing 'dysgenic' traits to particular families. (75)

access to nicer clothes and men like Harney, provides her the means to integrate into "lighter" society. So while she never can attain Anabel's blue eyes and blond hair, her darkness can still be offset by the lightness around her and within her. Still, even as she "passes" in the town, her swarthiness always marks her as other and reminds her and others of the in-between position she straddles.

Berg reads Charity's color as a mark of her dysgenic past, and ultimately she understands the novel as Charity's quest to redeem herself from her mother's "bad blood," to use Hermione Lee's term, not because of her sexual promiscuity or because of her poverty, but because of her willingness to give Charity away to the Royalls in North Dormer. Therefore, Berg believes that Charity's ultimate decision not to have an abortion and not to raise her child on the Mountain, but to marry Mr. Royall and live within the confines of civilization is Charity's way of repudiating "her maternal promiscuity, demonstrating her superior instincts by twice refusing to give up her child" (76). While Berg's reading is provocative, I'd like to stretch it a little to argue that while Berg's push to read *Summer* through the specter of race is crucial, Charity in no way demonstrates superior instincts to her mother, but rather follows in her footsteps and concedes to the racialized hierarchies of North Dormer.

To flesh out Berg's argument more fully and contextualize the workings of race in the novel requires a short digression to a minor character in the novel, Liff Hyatt, the only inhabitant of the Mountain who descends to North Dormer occasionally and whom, Berg notes, is described as having the "pale yellow eyes of a harmless animal" (56). Charity views Liff as "a harmless creature," but still she shivers with disdain as she ponders whether he is related to her (56). For Berg, Liff represents Charity's dysgenic strands and

her potential to be swept away by her "natural" tendencies. However, Liff's position as "a sort of link between the Mountain and civilized folk" (55) marks the possibility for movement between the two places. Thus what he suggests is that the division between the town and the Mountain is not immutable, that there is room for movement, even perhaps amongst racial categories, and that race itself is mutable as it is in Charity. Thus abortion figures in the novel as a way to try to control that mutability, to try to pretend that there are boundaries that mark off certain lives as more intelligibly human. As Charity contemplates several times in the novel: once certain lines are crossed, is there really no turning back? And if so, who holds the markers that draw these lines of distinction?

What *Summer* exposes is the slipperiness of human life, a slipperiness that only became more magnified as the First World War ushered in a new category of the human: the refugee whose existence outside of citizenship reduced her to naked life. Charity's choice not to have an abortion cannot be seen in the same terms, as Berg argues, as part of her decision to redeem herself from her mother dysgenic past. Instead, as Petchesky argues in different terms, the taboo against abortion becomes a way to contain Charity, to discipline her into a bourgeois subjectivity, and I would also add, it is a way to contain life. Charity in deciding not to have an abortion and not to live on the Mountain is not repudiating anything, nor is she demonstrating superior instincts to her mother, instead, she recognizes, as her mother recognized shortly after her birth, that a bare life on the Mountain is a precarious life, a life that can be barely called human. Thus Charity, like her mother, chooses to hold on to anything that makes her life intelligible, whether that is choosing to carry her pregnancy to term or marrying Mr. Royall and continuing to live her life in North Dormer.

A Return to *Summer*

> *We had been shown, impressively, what it was to live through a mobilization; now we were to learn that mobilization is only one of the concomitants of martial law, and that martial law is not comfortable to live under–at least till one gets used to it. –Edith Wharton*

Wendy Brown begins her chapter "Wounded Attachments" with a quotation from Stuart Hall, which notes the ironic postcolonial phenomenon of how previously colonized peoples flood the once-colonizing imperialist center when the anti-colonial struggle has just been won. Similarly, Brown argues, "just as the mantle of abstract personhood is formally tendered to a whole panoply of those historically excluded from it by humanism's privileging of a single race, gender, and organization of sexuality, the marginalized reject the rubric of humanist inclusion and turn, at least in part, against its very premises" (53). In turn, Charity also performs this paradox as she marries Mr. Royall just as she has finally come to terms with her sexuality, her enjoyment of sexual pleasure, and her ties to the people of the Mountain. Her submission to Mr. Royall feels uncomfortable precisely because she considers every possibility but marriage to him as a means to come to terms with her predicament. However, if read through the lens of the disciplining forces of biopolitics and the alienating condition of bare life, then her refusal to abort and her agreement to marriage and family, two of the most prevailing norms in contemporary society, have coherence.

In a study of Wharton's major writings, Cynthia Wolff writes that although *Summer* provides the illusion of being removed from Wharton's war-torn atmosphere, "this is a war novel" (267). Wolff describes Wharton's writing as "interested in the violence that lies beneath smooth social surfaces" (268). However, Wolff's analysis of

this violence stops short because it fails to recognize how this very violence is what disciplines Wharton's characters into human subjects bound to power and their identities. Wolff calls *Summer* a novel of thresholds, between adolescence and adulthood, immaturity and responsibility. She reads Charity's acceptance of marriage as a marking of growth. *Summer* does contain many thresholds, but the most profound one marks the line between the conditions for a livable life and a bare one. And if Charity chooses to live an intelligible life, we can hardly blame her. R.W.B. Lewis, one of Wharton's earlier biographers, writes that in a letter to a friend Wharton describes *Summer* as concerned with "'the convulsed world' of violent disorder that surrounded her" (397). Lewis then adds, " But it sprang even more from that part of Edith Wharton that regularly responded to the appeal of the unexplored, the precivilized, and the dangerous" (398). I agree that *Summer* touches on the dangerous, but in a way that looks precisely at the conditions we use to call ourselves civilized and that examines what we consider most explored and familiar.

Thus through a questioning of what constitutes "life," this chapter's main purpose was to bring the term to crisis and to argue that constructions of life are deeply embedded in the way law, and particularly sovereign law, works by drawing lines of exclusion and inclusion. Yet importantly, as in the case of Charity and the inhabitants of the Mountain, the excluded are always brought into the law as a means of demarcating the included. In *Summer*, the connection between racialized subjects and exclusion is ambiguous because Charity's identity and the identity of those she descended from is never explicitly stated. The novel seems unable to pin down its own formulation of how, or even whether, race is an immutable mark of subjecthood. However, in the next chapter on William Faulkner's

The Wild Palms, these questions of how race, life, and law are imbricated will be expanded on, as will the argument about why thinking about abortion in terms of life must be genealogically examined and complicated.

CHAPTER FIVE

Making a Living: Labor, Life, and Abortion Politics

From Choice to Life

> *Why is it responsible for a single woman without a job with six kids to bring eight more children into this world?* —Ann Curry, interview with Nadya Suleman

In chapters two and three I traced how the rhetoric of rights and choice that today is associated with abortion politics emerged within a discourse of responsibility that only grants those rights and that choice to women who are properly behaved and disciplined according to certain norms. Just as Margaret Sanger argued in the early twentieth century that women who are properly disciplined should be granted the right to control their own bodies, in our contemporary moment the inheritance of that position appears in controversies like Nadya Suleman's use of reproductive technologies to birth octoplets.[120] Shortly after it was revealed that Suleman was single and already had six children, she was condemned as irresponsible and mentally ill. Her critics insisted that more restrictions needed to be placed on access to reproductive technologies so that women like her wouldn't be able to reproduce more children.[121] While Suleman's decision to mother fourteen children, a difficult feat even with the help of a partner, is unsettling, the demand that reproductive technologies only be granted to women who can prove their "responsibility" or "sanity" is also troubling as it will more than likely lead to slippery

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[120] On Janaury 26, 2009, Nadya Suleman gave birth to eight children using in-vitro fertilization (IVF). For the first time in U.S. history, all eight children survived.

[121] See Randal Archibold's "Octuplets, 6 Siblings, and Many Questions" in *The New York Times* on February 3, 2009; Jessica Garrison, Kimi Yoshino, and Catherine Ho's "Octuplets' birth spawns outrage from public" in the *Los Angeles Times* on February 7, 2009; and see Nadya Suleman's interview with NBC's Anny Curry, which aired on Dateline on February 10, 2009.

ground. How will women be judged sane or responsible enough to parent? It's not unimaginable that some states will define responsibility as heterosexuality or as partnered in a legally recognized marriage. Similarly, will people seeking reproductive assistance be turned away because their financial situation is not viewed as stable? These questions, which are also deeply tied to how abortion is legislated and accessed, are the inheritors of early twentieth-century reproductive politics and eugenics. The rhetoric of choice and rights, while successfully granting access to abortion and other reproductive options for certain populations, is also invested in a eugenic logic that ultimately grants choice only when women have proven themselves to be responsible *enough* to be given that choice.

In chapter four, I borrowed from this argument to demonstrate how the politics of choice also configure how life is demarcated. Through a reading of Edith Wharton's *Summer*, I sought to show how life, more than being biologically bound, is a political construction. Borrowing from Agamben's reading of Aristotle's *zoe* (natural life) and *bios* (qualified life), I argued that Charity's decision not to have an abortion and not to raise her child on the Mountain was not a matter of "choice," but a matter of choosing a recognizable life in a chaotic and unstable world. In this chapter, I expand on that argument to suggest that definitions of life, particularly in "pro-life" abortion politics, are rooted in a capitalist valuation of reproduction for the sake of reproduction. Extending from my analysis in the previous chapter, I conclude that constructions of life are ultimately politically bound and invested in reifying individualist and reproductive living. This chapter thus seeks to trace a genealogy of life in abortion politics through William Faulkner's *Wild Palms*, which equally focuses on an illicit and botched abortion and the 1927 Mississippi Flood, and by drawing on Hannah Arendt's *The Human Condition.*

Finally, by engaging with Ronald Dworkin's writing on the role of life in contemporary abortion politics, I end *Genealogies of Abortion* with a consideration of what abortion rhetoric might look like if we were to successfully detach it from capitalist constructions of life, responsibility, and autonomy.

The Rising Tide in Mississippi

> *Look-a here the water now, Lordy,*
> *Levee broke, rose most everywhere*
> *The water at Greenville and Leland,*
> *Lord, it done rose everywhere*
> *Boy, you can't never stay here*
> *I would go down to Rosedale,*
> *but, they tell me there's water there*
> —Charles Patton, "High Water Everywhere"

In April 1927 it rained so hard and for so long in Mississippi that the levees could not hold. The turn of events that caused the Mississippi River floods did not come without warning. In the first four months of 1927 the Midwestern and Southern states saw an unprecedented amount of rain and snow. Farther north Pittsburgh and downtown Cincinnati flooded in early 1927 as a result of the overflowing Ohio River. State governments began forming armies of levee workers to help contain the massive torrent of water that was rushing into the Mississippi River and was threatening to create catastrophic conditions in the South. The vast majority of these workers were black men, who were often forced into repairing the levees at gunpoint, especially as it became apparent that these efforts were often life-threatening, while at the same time largely futile. Historian John M. Barry's carefully documented work on the Mississippi Flood makes apparent how little the lives of black people were valued in the early-twentieth century South by white authorities in power. When the river came crashing through a

crevasse in the levee with more force than had ever been documented, levee workers quickly climbed onto a barge to save their lives.[122] However, the force of the crevasse was actually pulling the barge and its tugboat upstream toward the crevasse and its uncontrollable power. One white man on the tugboat suggested that all blacks should be placed on the barge and then cut loose, so that the tugboat could more easily escape the crevasse (203). In another example, Barry explains that as sandbags, which were used to cover gaps in the levee, were running out, an engineer ordered the black levee workers to use their bodies to fill gaps by lying on the levee in dangerous conditions until the sandbags arrived (131). The flood was monstrous, uncontainable, and more powerful than any other natural force that had crossed the Mississippi Delta. Richard Washburn Child, writing for the *Saturday Evening Post,* described it as "the largest disaster in the history of our civilization" (8).

Yet before the 1927 Mississippi Flood, the "'government' levees seemed immense, formidable, impregnable" (Barry 190); the levees were seen as a symbol of the human ability to control nature. Barry begins his project by asserting: "To control the Mississippi River—not simply to find a modus vivendi with it, but to control it, to dictate it, to make it conform—is a mighty task. It requires more than confidence; it requires hubris" (21). He writes that finding the means to control the Mississippi River was "the perfect task for the nineteenth century" because it was "the century of iron and steel, certainty and progress, and the belief that physical laws as solid and rigid as iron and steel governed nature…and that man had only to discover these laws to truly rule the world" (21). The project of containing the Mississippi River is an apt metaphor for the

[122] Barry describes this crevasse as pouring out 468,000 second-feet into the Delta. This amount of water at such speed would in ten days cover almost one million acres with water ten feet deep (203).

capitalist forces of the nineteenth century for all the reasons Barry mentions, but also because it is an example of both the power of capitalism and the precarious forces on which it rests.

The 1927 Mississippi Flood was one of the worst natural disasters in American history. Historians estimate that it left one percent of the population homeless; it killed thousands of people; and it forced dramatic changes in American demographics.[123] It also shook the foundations of American power and wealth and the illusion that industrialization and sheer human power could control the forces of nature. The first half of this chapter will thus examine what Hannah Arendt calls the human condition, and her idea that the modern world ushered in a desire for the ultimate conquest of nature and a quest for the human to see himself outside of this "nature." In other words, Arendt argues that the rise of technologies that allow us to leave earth or to see ourselves as controlling the earth without being part of it has opened an aporia between the human and nature. She further suggests that what has caused this alienation is the elision of the public sphere where collective human action—and not labor—is valued. In other words, a capitalist ethic privileges the making of things only so that more things can be produced. Therefore, she concludes that the endless cycles of labor, which consist only in consumption and production, have valorized the individual and the individual family unit in the private sphere. This section will place William Faulkner's *The Wild Palms* in conversation with Arendt's *The Human Condition*.[124] Faulkner's novel consists of two

[123] John M. Barry cites this statistic in his 2005 article, "The Prologue, and Maybe the Coda" where he compares the 1927 Mississippi flood to Katrina and the flood it caused in 2005. Barry also argues that the flood was one of the precipitating factors that caused thousands of African Americans to leave the South and move to northern cities like Chicago and New York.
[124] In previous chapters, my reading of Arendt's work came from *The Origins of Totalitarianism.* In this chapter I will be solely focusing on *The Human Condition.*

narratives, titled "The Wild Palms" and "The Old Man," which seemingly have no connection. There are no overlapping characters, the stories take place ten years apart, and in one an abortion constitutes the pivotal scene while in the other the birth of a infant plays a crucial role. The first section will focus on "The Wild Palms," and Harry and Charlotte's attempt to escape the laboring cycles of their society. Importantly, by placing *The Human Condition* and "The Wild Palms" in dialogue, I will ask how these two texts configure a different understanding of life, and particularly, a life that is not grounded in individuality and set against nature, as the containment of the Mississippi River attempted to do in the late nineteenth century. Ultimately, through this conversation, this section will theorize how Arendt's and Faulkner's configuration of life challenge the terms of life discourse in abortion politics and how Charlotte's abortion in "The Wild Palms" presents a new way to think about fertility, work, and human action.

The following section of this chapter will take up the secondary narrative of *The Wild Palms*, "The Old Man." In the backdrop of this narrative is the 1927 Mississippi Flood and the thousands of displaced people who were forced into refugee camps and, in some cases, forced labor as a result of the disaster. This section will take up Giorgio Agamben's theorization of the state of exception,[125] a concept which aptly describes a crisis like the 1927 flood. The state of exception exists when the state is confronted with an emergency that demands that the law be suspended. War is the most common example of a crisis that brings about the exception; however, natural disasters also often demand that the law be pushed aside so that sovereign decisions can be made to deal with the

[125] While this chapter will focus mostly on Agamben's explanation of the state of exception, the concept is not original to him and can be found in the work of the conservative political thinker Carl Schmitt—see *Political Theology*—and in Walter Benjamin's *Theses on the Philosophy of History*.

emergency. Agamben argues that what defines our modern age—an era that he sees beginning with World War I—is that the state of exception actually becomes the mode of daily governance. Emergencies only make visible how the state has already internalized a mode of exception into its law. "The Old Man" is about a nameless convict, who is separated from his prison group after they are brought to work on the levees. Throughout this section of the novel, the convict desperately attempts to return to prison, but the flooded landscape makes his quest difficult. Additionally, he has responsibility for a pregnant woman, who eventually gives birth under his care. As the convict and the woman try to find a way back home, they witness the conditions of bare life brought about by the horrible state of the refugee camps set up for homeless survivors of the flood. Everywhere the basic necessities for living are missing—food, shelter, solid ground, and sanitary conditions.

Many literary critics of *The Wild Palms* have struggled to understand cohesively why Faulkner drew these two narratives together.[126] This chapter will argue that the conditions of bare life brought about by the state of exception and the individualizing and endless cycles of laboring, which try to sediment natural forces, are all interwoven in the modern human condition, as Wharton's *Summer* also demonstrated. In other words, in *The Wild Palms* the convict's desire to return to the stabilizing and disciplining space of the prison and Charlotte's and Harry's peripatetic existence, which unsuccessfully tries to escape the alienating cycles of labor and fertility, are two parts of a narrative about the

[126] Faulkner wrote the two sections continuously; he started with "The Wild Palms," and then continued with "The Old Man," switching between the sections until he finished the story. However, after the novel's intial publication, some publishers excerpted "The Wild Palms" or "The Old Man" as though they were separate stories. In one version of the novel, the two sections are printed together side-by-side as though the publisher had just happened to decide to anthologize them together. See Thomas L. McHaney's *William Faulkner's* The Wild Palms: *A Study* for more about the novel's publication history.

modern forces that shape life. Thus it is no coincidence that Charlotte's abortion frames *The Wild Palms*; for the novel, like Arendt's *The Human Condition* and Agamben's *The State of Exception*, asks us to reconsider what constitutes life and what might be the implications of granting certain forms of life more legibility than others. By attempting to answer this question, this chapter aims to re-think why anti-abortion activists and politicians place such an important emphasis on pre-natal life.

Life, Labor, and Fertility: Arendt and Charlotte

> *The true meaning of labor's newly discovered productivity becomes manifest only in Marx's work, where it rests on the equation of productivity with fertility, so that the famous development of mankind's 'productive forces' into a society of an abundance of 'good things' actually obeys no other law and is subject to no other necessity than the aboriginal command, 'Be ye fruitful and multiply,' in which it is as though the voice of nature herself speaks to us.*
> —Hannah Arendt, *The Human Condition*

Human life has value. In contemporary American society this belief is held as a truism—one that is so essential to understanding contemporary politics that even to question it publicly would be disquieting. As I discussed briefly in chapters one and two, the emphasis on valorizing individual human life is key to liberalism and the Christian foundations of the American state. And yet, while the importance of life might seem like a fundamental axiom, taken for granted in human rights treatises and the constitutions of liberal governments, the valuing of life has its own genealogy. The rise of Judeo-Christian religions and what we now consider the modern western state had a profound impact on the way life is valued.[127] In Hannah Arendt's words, life has "overruled all

[127] Another way to understand this critique of human value is through Martin Heidegger's "Letter on Humanism." In his essay Heidegger writes, "To think against 'values' is not to maintain that

other considerations" (*HC* 313).[128] However, it is the particularized form of individual life that was given such importance. Arendt emphasizes, "It is precisely individual life which now came to occupy the position once held by the 'life' of the body politic…" (314). Whereas the ancient Greek and Roman cultures placed utmost value on the life of the public and its peoples—what Arendt calls the world—contemporary society has replaced the privileged position of the public with that of the private. Therefore, Arendt argues, "None of the higher capacities of man was any longer necessary to connect individual life with the life of the species; individual life became part of the life process, and to labor, to assure the continuity of one's own life and the life of his family, was all that was needed" (321). The consequence: A "positive labor philosophy was never developed" (318). The emphasis on individual life also translates into an emphasis on family and property—or the confines that encapsulate what one can individually own and control. Key to my argument, the transition that Arendt marks crucially touches on "pro-life" abortion politics, which draws its suppositions from this same valorization of individual human life. In the words of an anti-abortion demonstrator, being "pro-life" is "really about understanding the value of each individual life as having intrinsic worth."[129] The re-production of human life—itself a kind of laboring—is reified while the life of the body politic dwindles to insignificance.

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everything interpreted as 'a value'… is valueless. Rather, it is important finally to realize that precisely through the characterization of something as 'a value' what is so valued is robbed of its worth. That is to say, by the assessment of something as a value what is valued is admitted only as an object for man's estimation …. Every valuing, even when it values positively, is a subjectivizing" (251). Heidegger's point is similar to the one I make here: By proclaiming that human life has value we turn that life into a "thing" that can be measured, encapsulated, and individuated. We actually devalue the value of that life by only viewing it as a subjectivized, individuated form and not as part of a larger species life or as part of other non-human condition.

[128] All further quotations by Arendt are from *The Human Condition*.

[129] See http://media.www.samfordcrimson.com/media/storage/paper1166/news /2007/09/05/ Opinion/ProLife.until.Birth-2954202-page2.shtml

The key symptom of a society that privileges individuated life is its entrapment in a labor philosophy that mirrors what Arendt calls the cycle of fertility. Because individual life has such worth, it must be reproduced and preserved, again and again. In "pro-life" rhetoric this translates into the sacredness of the human embryo, which represents the call to reproduce human life endlessly. As Arendt writes, "the productivity of labor power produces objects only incidentally and is primarily concerned with the means of its own reproduction; since its power is not exhausted when its own reproduction has been secured, it can be used for the reproduction of more than one life process, but it never 'produces' anything but life" (88).[130] Placed in the context of anti-abortion sentiment, Arendt's argument reveals that "pro-life" arguments value human reproduction not for the infant that might be produced as the end result, but for the sheer reproduction of life that in turn reproduces more life. Thus Arendt's call to re-envision labor politics as something other than an endless cycle of production and consumption has the effect of also asking us to re-think the cycles of human fertility. Neither cycle, Arendt might suggest, should necessarily be considered "natural"; by imagining a new paradigm for labor or fertility we might arrive at a politics that escapes the reification of the individual and the private.

Understanding the development of the private sphere in the modern state is useful for constructing a genealogy of abortion politics. In ancient Greece, Arendt notes, "Privacy was like the other, the dark and hidden side of the public realm, and while to be political meant to attain the highest possibility of human existence, to have no private

[130] Importantly, Arendt critiques Marx here for his own valorization of labor in his economic theories. Arendt instead suggests that labor and work be seen as distinct categories, where labor is the entrapment in endless cycles of reproduction and work values the end product. By separating these two categories Arendt envisions a world where production is not always re-production and where all products are just viewed as consumable objects (89).

place of one's own (like a slave) meant to be no longer human" (64). Only women, slaves, and men of low status were seen as belonging to the private realm, which at the same time positioned them as less than human, as *zoe.*[131] With the rise of modern western forms of government the boundary between the private and the public slowly eroded, and what was ultimately left was a new valorization of the private at the expense of any kind of public sphere. The demise of the public sphere coincided with the increased emphasis on individual life and privacy. Arendt mourns this erosion; she argues for the return of a public where collective human action occurs that will in turn lead to a re-valuation of the body politic and a work ethic that transcends sheer consumption and reproduction. Arendt's insistence on a renewed separation between the public and private brought her to the attention of contemporary feminist critics but also positioned her as unsympathetic to the concerns of women and second-class citizens of the state. For if, as Arendt envisions, strict public and private spheres were re-erected, who would inhabit the unprivileged zone of the private and its less-than-human classification. And how would the inhabitants of the public sphere be decided?

Equally problematic in Arendt's critique of what she describes as the de-politicized social/private sphere is its implications for politics founded on social categories—feminist, anti-racist politics, and queer politics, and so on. Implied in Arendt's critique of the social is that the "private" concerns of gender relations are not truly political.[132] Linda Zerilli provides a more generous reading of Arendt that doesn't

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[131] See chapter one for a discussion of this term and its relationship to *bios.*

[132] Judith Butler succinctly articulates this concern with Arendt's understanding of politics when she writes in *Who Sings the Nation-State?,* "I always balked at *The Human Condition* which established politics as a public sphere on the basis of the classical Greek city-state and understood that in the private domain, a *dark* domain by the way, necessarily *dark*, slaves and children and

exclude social issues from politics, but rather "warns against the introduction of the instrumentalist attitude that such concerns often carry with them" (Zerilli 3).[133] Another way to think about this opening of Arendt's work is to consider that treating social concerns as though they are still relegated to the zone of privacy, but have only been temporarily politicized for the advancement of a certain cause, actually ends up working against the cause by reifying the social as separate from the political. Arendt argues that the social is a space that arises when the private sphere has colonized the public sphere so that there is no longer a distinction between the two. The current state of American abortion politics works as a perfect example of this critique. Seen as a "private" issue by both "pro-choice" and "pro-life" activists and politicians, abortion has been brought into politics as a means to protect either the private, individuated life of either the woman or the fetus. Ultimately, proponents on either side of the issue adopt an instrumentalist attitude by arguing that their position is only a means to an end—protecting the life of a particularly identified subject (i.e., woman or fetus). Thus they relegate abortion to the realm of the private and ensure that a) the distinctions between private and public remain intact as though they existed, but more importantly, b) they end up de-politicizing abortion by labeling it as a "woman's issue" or as an "unborn child's issue" rather than a political issue that impacts the entire body politic.

Faulkner's 1939 *The Wild Palms* seems to anticipate this tension between private/public and individual/species in its foregrounded presentation of Charlotte's abortion. The novel is framed by the abortion: in the opening pages of the eponymously

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the disenfranchised foreigners took care of the reproduction of material life. This last sphere is precisely for her, *not* the domain of politics" (15).

[133] Hanna Pitkin and Bonnie Honig share this reading. See Pitkin's *The Attack of the Blob* and Honig's *Feminist Interpretations of Hannah Arendt.*

titled section "The Wild Palms," Faulkner introduces Harry and Charlotte through the perspective of an older doctor, who leases a house to them and comes to help Harry treat Charlotte when she becomes deathly ill as a result of the abortion. The novel closes with Harry again, but this time he is imprisoned for performing the illegal abortion for Charlotte. Only later do we learn that Harry and Charlotte met at a party in New Orleans when Harry is still a celibate medical student and Charlotte is married with two young daughters. After only a few dates they decide to run off together; Harry leaves medical school, just a few months before his certification, and Charlotte leaves her husband and children. From there they travel to Chicago, a summer lake house, a mining community in Utah, and then back to the southern coastline where Charlotte dies. Their travels are always motivated by an attempt to escape the social; Charlotte and Harry seem to believe that somewhere in the U.S. they can find a space where the division between the public and private hasn't collapsed, where they can retreat into a sphere outside the public/private to become bodies that resist the laboring and accumulation of capitalism.

In her insightful analysis of the novel, Cynthia Dobbs writes, "I also wonder about the notion of freedom as it applies to this novel. For the convict, prison is freedom; for Harry and Charlotte, their 'escape' from bourgeois respectability becomes its own sort of prison, as they remain on the run from an engagement with society that they can never escape" (834). Although Dobbs doesn't devote much of her argument to explaining how freedom works in *The Wild Palms*, understandably since the passage I cite above appears in an endnote to her article, the juxtaposition that she points to is key to my argument: Charlotte and Harry seek to carve a space of freedom outside of society, until they are ultimately confronted with the impossibility of their desire, while the tall convict

(the main character in the "The Old Man") longs to return to prison for its freedom from the pressures of reproduction and accumulation.

Arendt argues that "labor's productivity is measured and gauged against the requirements of the life process for its own reproduction; it resides in the potential surplus inherent in human labor power, not in the quality or character of the things it produces" (93). In other words, productivity places no value on the end product for its own sake but rather for its ability to reproduce itself. Arendt's point is directed at the forces of capitalism in a modern world, but she also notes that the cycles of production are modeled on the cycles of fertility: the mandate to reproduce human life comes not from valuing life but from a drive to continue the endless cycle of human reproduction. It is precisely this drive that Harry and Charlotte attempt to escape.

Before Harry meets Charlotte, when he is still a medical student laboring endlessly to finish his degree so he can continue to labor as a doctor, he reflects that his existence is "as if his life were to lie passively on his back as though he floated effortless and without volition upon an unreturning stream" (29). Harry envisions his future as a continuation of his sexless and laboring life: he sees himself as caught in a cycle of labor where he has no agential control as he drifts on producing and reproducing because it is what his father told him to do. Life happens to him and he complies. That is, until he meets Charlotte. When they escape to Chicago, Harry attempts to find employment that will provide for their basic necessities. Yet after several failed interviews, he explains to himself that he can't find work because "I really dont try hard enough, dont really realise the need for trying because I have accepted completely her ideas about love…" (72). Charlotte's chief idea about love, which Harry embraces more emphatically as the novel

progresses, is that love will "clothe and feed me" (72), as he explains. Yet as Harry soon realizes, Charlotte's ideas are more complicated: they don't quite insist that love can clothe and feed human bodies, but that to live for love they must resist the entrapments of a capitalist society that thrusts them into its laboring cycles so that life becomes merely about ensuring food and clothing.

Harry comes to understand Charlotte's position when they spend the fall at a lake house owned by their friend McCord because Harry has lost his job and can't find another. When their food supplies start dwindling, Harry again begins worrying about their future. Charlotte stops him: "My God, I never in my life saw anybody try as hard to be a husband as you do. Listen to me, you lug. If it was just a successful husband and food and bed I wanted, why the hell do you think I am here instead of back there when I had them?" (99). And when Harry reminds her that they still have to eat and sleep, she continues: "Certainly we have. So why worry about it? That's like worrying about having to bathe just because the water in the bathroom is about to be cut off" (99). Here Charlotte articulates her position to Harry most directly; by worrying about food and sleep, by worrying about the cyclical needs of human life, they will fall into the entrapment of middle-class conventions and capitalist drives. Don't worry about food before you're hungry and sleep before you're tired, she tells him: the desire to accumulate the means that ensure food and sleep will lead to our destruction.

When they return to Chicago because the summer home becomes too cold to live in and indeed their food runs out, Harry begins writing and selling adolescent dime novels and Charlotte finds stores that buy her sculptures for window dressings. Their life begins to get comfortable. This time Harry, having taken in Charlotte's lesson about love,

puts an end to their lifestyle. He tells Charlotte that they are going to leave Chicago for good this time. He explains:

> You're not going to work any more just for money. Wait…I know we have come to live like we had been married five years, but I am not coming the heavy husband on you. I know I catch myself thinking, 'I want my wife to have the best' but I'm not yet saying 'I dont approve of my women working'. It's not that. It's what we have come to work for, got into the habit of working for before we knew it, almost waited too late before we found it out. (107)

In his essay on *The Wild Palms,* Joseph Urgo insightfully notes, "what Harry and Charlotte want above all else is to be disengaged from the sources of power that, initially, have assured their destinies" (254). Their destinies, which Urgo doesn't quite identify, are the constraints of laboring that are enforced through the desire for comfort, wealth, and security. Harry recognizes that despite Charlotte's insistence that they not end up like a married couple, their financial successes in Chicago all too easily managed to discipline them into a comfortable lifestyle where Harry begins to imagine Charlotte as his wife. Importantly, he tells her that he hasn't *yet* started thinking that his wife shouldn't work, but implicit in that "yet" is that if they continue their lives in Chicago, Harry will also eventually begin to think of Charlotte through conventional (for the 1930s) conjugal terms. Thus he tells her "you're not going to work any more *just for the money*" (italics mine) because he wants to disengage them from the cycles of laboring that entrap them in the desires of accumulation and capitalist norms. His solution is to move to a stark Utah mining community where he soon learns no one gets paid and respectability doesn't exist. Later in this chapter I will return to the Utah mines and connect their exceptional

conditions to the 1927 Mississippi flood. However, first I'd like to turn to the relationship between art and reproduction, noted by several critics of *The Wild Palms*, because of its connection to Charlotte's and Harry's quest to elude laboring and to Charlotte's abortion.

In Arendt's denunciation of modern society, she makes one exception for the artist who is able to break free from laboring bonds. She explains,

> Whatever we do, we are supposed to do for the sake of 'making a living'; such is the verdict of society, and the number of people, especially in the professions who might challenge it, has decreased rapidly. The only exception society is willing to grant is the artist, who strictly speaking, is the only 'worker' left in a laboring society…. As a result, all serious activities, irrespective of their fruits, are called labor, and every activity which is not necessary either for the life of the individual or for the life process of society is subsumed under playfulness. (127)

In *The Human Condition,* Arendt makes an important distinction between work and labor, which she draws on in the above quotation. While labor, as I have been describing, is cyclical and geared toward reproduction and consumption, work values an end product that is lasting and has a use-value that is not inextricably tied to its exchange-value. In other words, the artist still produces objects that are valuable not only due to their worth on the market, their consumability, or their reproducibility. *The Wild Palms* engages in a similar valuation of art. When Harry first meets Charlotte and her friends, who define themselves as artists, he stares at the paintings on the walls and thinks "in bemusement without heat or envy at a condition which could supply a man with the obvious leisure and means to spend his days painting such as this and his evenings playing the piano and feeding liquor to people whom he ignored…" (33). By the end of the novel, when Harry

takes Charlotte to the Mississippi coast where she will die, he introduces himself to the doctor as a painter of pictures, even though he quickly gave up painting after one brief attempt at the lake house. His mysterious answer echoes his response to the paintings he first encountered: in his new life, it is precisely the "leisure" of not laboring that he is trying to capture; both Harry and Charlotte search for a space that precludes endless labor and embraces work, which like Arendt, they define as art.

Charlotte first articulates this philosophy of art when she explains, "That's what I make: something you can touch, pick up, something with weight in your hand that you can look at the behind side of, that displaces air and displaces water and when you drop it, it's your foot that breaks and not the shape" (35). Cynthia Dobbs reads Charlotte's claim as a desire "to create objects that are harder, more permanent than life, emphatically tougher than the body itself" (827). She argues that Charlotte desires "still-life," a term she borrow from Janet Carey Eldred's essay on the novel, because she wants to arrest "the flow of time." My reading borrows from this theory but expands it in a different direction: Charlotte wants to create objects that are tougher than the body because, like Arendt, she believes art is unconsumable. If Charlotte seeks to arrest the flow of time, it is because she wants to resist the time of capitalist reproduction. Her art should not be expendable like a pair of shoes or a loaf of bread, which are bought, used up, and then re-bought, but it should be lasting: in Arendt's words, a product of work.

Importantly, Charlotte connects her drive to make things with the pleasure she derives from sex; she pronounces, "I like bitching, and making things with my hands" (88). John Duvall reads this as Charlotte's "quest for subjectivity" (46), but Charlotte never seems to long for subjectivity. In fact, she seems to be unconcerned with

subjectivity as she tries to evade normative societal structures that would give her such legibility. Rather, by calling sex "bitching," she links the act to sheer pleasure and performance and not to reproduction or even love. Similarly, she suggests that as she wants to make art for the sake of art and not for potential profit, she also wants to have sex for the sake of sex and not because of its potential reproductive consequences. Given this context, Charlotte's insistence on aborting her pregnancy fits into her determination to escape laboring. As she tells Harry early in their relationship: she doesn't want a husband. Implicitly, she also tells him that she doesn't want children and the comforts of family. When she is pregnant—a consequence of a frozen douche bag that she could no longer use—she begs Harry to give her an abortion.

Harry had already performed an abortion on Bill, the wife of Buckner, who is the titular manager of the Utah mines. At first he refuses to comply with Buckner's request until Charlotte convinces him that they desperately need his help because they can't have a baby given their financial conditions. When he finally agrees, he thinks to himself, "*I have thrown away lots, but apparently not this. Honesty about money, security, degree…*" (163). While Harry's reflection might suggest that his discomfort with abortion is morally grounded, there is nothing in the novel that could explicitly confirm this position. When Harry considers how much he has thrown away, the immediate reason for his sacrifice might appear to be love, and yet the above sentence continues with a narrative interruption before Harry resumes, "…and then for a terrible moment he thought *Maybe I would have thrown away love first too*" (163). He and Charlotte have both attempted to escape the social by refusing to accumulate money and to gain legibility, and now

Charlotte asks him to take things one step further by severing the cycle of reproduction that binds human bodies.

When Charlotte tells Harry she is pregnant and asks for an abortion, he adamantly refuses at first. She retorts, "You said it was simple. We have proof that it is, that it's nothing, no more than clipping an ingrowing toenail" (173). By comparing fetal life with an ingrown toenail—a dead and annoying piece of human matter—Charlotte refuses to recognize human life as beginning at conception. Yet even more significantly, the comparison suggests that Charlotte views her pregnancy as excessive reproduction. Elizabeth Grosz in forming a non-aesthetic theory of art writes, "Art and nature, art in nature, share a common structure: that of excessive and useless production—production for its own sake, production for the sake of profusion and differentiation" (9). Equating art and nature, Charlotte refuses to privilege virtual life over her own life. If production happens for its own sake, as Grosz contends, then its termination has no moral value. If artistic and natural productions are always excessive, then disrupting the process produces no guilt. Charlotte wants to escape the cycle of fertility just as much as she wanted to escape the cycle of laboring; both cycles entrap human bodies in a society that has collapsed the private and public into the social. However, ultimately, what the pregnancy and botched abortion prove to both Charlotte and Harry is that it is impossible to sever ourselves from the social. Like Charity in *Summer*, once Charlotte is marked as still capable of reproduction, her body necessarily enters the realm of public regulations and laws. Charlotte tries to deal with her unwanted pregnancy privately by convincing Harry to give her an abortion, and yet as Harry recognizes too late, the privitization of Charlotte's body once she became pregnant was impossible. After her death, he

concludes that Charlotte died from his abortion while Bill survived hers because he loved Charlotte. When considering why Charlotte's abortion failed, he thinks, "*A miser would probably bungle the blowing of his own safe too. Should have called a professional, a cracksman who didn't care, didn't love the very iron flanks that held the money*" (250). In other words, Harry thinks that Charlotte died of her abortion because he was too close to her; he attempted to privately abort her pregnancy when it was a procedure that would always be subject to cold and distanced public code. By the end of the novel, Harry comes to terms with the fact that the private can never exist. The collapse of the private and public, as Arendt theorizes, is so consuming that even in an isolated mining community in Utah they couldn't escape. We are always in the law, and it is a law that defines life even as it tries to contain nature and separate it from the forces of capital. The next section will theorize this relationship between law, life, and the state of exception in *The Wild Palms* and reproductive politics.

Life Expectancies and Exceptions: Harry and the Old Man

> *People, since it's raining, it has been for nights and days*
> *People, since it's raining, has been for nights and days*
> *Thousands people stands on the hill, looking down were they used to stay*
>
> *Children stand there screaming: mama, we ain't got no home*
> *Oh, mama we ain't got no home*
> *Papa says to the children, "Backwater left us all alone"*
> — Blind Lemon Jefferson "Rising High Water Blues"

The Wild Palms ends with Harry in jail and Charlotte dead; their experiment has failed because of Charlotte's unsuccessful abortion. The extreme conditions of the Utah mines pushed their experiment to its limit and exposed its impossibility. There, as Buckner readily tells them on their arrival, no one gets paid for their labor. The Polish

miners stay working because they believe that eventually they will be compensated, and the mine keeps running so its owner can continue selling stock. Harry was brought to the mine because the law required a doctor on staff, but as Buckner tells him, medical inspectors will never come by to make sure he is properly certified. The mine exists on the edge of law, which is its appeal for Harry; he will never be paid for his services there, which is why, before he leaves for Utah, while drinking beer with his friend McCord he toasts "To freedom," (111) even as McCord mocks him. Harry and Charlotte revel in the freedom from society at the mines because they have escaped from middle-class norms, but they eventually come to realize their entrapment by recognizing themselves in the Polish miners. As they seek to communicate with the miners once Buckner and Bill have left, they observe that among the group of miners there are five women, some with young children who were obviously born at the mine. Harry thinks, "My God. They dont even know I'm a doctor. They dont even know that they are supposed to have a doctor, that the law requires that they have one" (168). Watching the Polish miners, Charlotte and Harry come to realize that the abject conditions of the mine, where the miners continuously labor without compensation and under horrible conditions, is not a form of freedom. The exposure to bare life is frightening, and Charlotte and Harry quickly give up their plan to help the miners. Shortly after, Charlotte discovers she is pregnant.

Charlotte's pregnancy dramatically changes the course of the novel and her ability to live with Harry somewhat beyond the rules governing American society. Writing about *The Wild Palms* and Charlotte's pregnancy, Janet Carey Eldred explains, "Faulkner uses realism in the scenes at the mines in Utah to link childbirth with oppression and to present a powerful visual argument *against* procreation as a 'natural' end to female

sexuality" (141). If childbirth is linked to oppression, it is because it entraps the female body in the cycles of fertility. If *The Wild Palms* argues against procreation as natural, it is because the snare of reproduction does not have to be the only course for women's bodies. Yet the novel also suggests that escaping the cycle of fertility—as Charlotte attempts through her abortion—is difficult in a capitalist and chaotic world where human life has become premised on cyclical laboring.

The intertwining narrative in *The Wild Palms*, "The Old Man," punctuates this point by drawing attention to the precarious forces of nature that capital attempts to rein in and control.[134] In "The Old Man" the tall convict, whose name we never learn, is caught in the Mississippi flood after he rescues a pregnant woman and then mistakenly rows his boat in the wrong direction because the force of the flood has shifted the current of the river. While taking responsibility for the well-being of the pregnant woman, who eventually gives birth when they manage to briefly dock on dry land, he spends most of the narrative desperately trying to return to prison with his boat and prison clothes intact. As they travel through various towns on the river, they pass though a chaotic landscape where everything has gone awry. Law has been suspended; yet in this state of exception the tall convict doesn't find himself exposed to freedom but to a brutality that threatens to strip away his human legibility.

The state of exception, as Agamben describes it, is a suspension of the juridical order, which at the same time works to uphold the forces of sovereignty.[135] Important for

[134] In writing about his novel, Faulkner explained that he saw "The Old Man" as a contrapuntal narrative that emphasized certain themes present in "The Wild Palms."

[135] In American history, notable moments when the state of exception was visibly declared were in 1861 when President Abraham Lincoln suspended *habeas corpus* when he declared war on the South and in 2001 when President George W. Bush enacted a similar suspension of law after the attacks of September 11th. See Agamben's *State of Exception* for more on this history.

this project is the relationship between the state of exception and the recognition of life. Agamben writes, "…if the law employs the exception—that is the suspension of law itself—as its original means of referring to and encompassing life, then a theory of the state of exception is the preliminary condition for any definition of the relation that binds and, at the same time abandons the living being to law" (1). The paradox Agamben points to is that only law—the sovereign—can suspend law; at the same time this exceptionalism is based on a power that constructs life through law. In other words, through the state of exception, the sovereign can decide what is recognizable life and what is bare life—life that threatens the law and should therefore be excluded from it and banished to the margins. In "The Old Man" sections of *The Wild Palms* it is this confrontation with illegible life that the tall convict finds so frightening.

Trapped in a small boat with the laboring pregnant woman, the convict frantically searches for land and any sign of human settlement where the pregnant woman could give birth. Days have passed and he has no orientation of where to go next because the changing flows of the river have misdirected him. As he proceeds to feel even more lost and more insignificant in the chaotic landscape, the narration shifts to focalize through him:

> Now he believed that all he had to do would be to paddle far enough and he would come to something horizontal and above water even if not dry and perhaps even populated; and, if fast enough, in time, and that his only other crying urgency was to refrain from looking at the woman who, as vision, the incontrovertible and apparently inescapable presence of his passenger, returned with dawn, had ceased to be a human being and… had become instead *one single*

inert monstrous sentient womb from which, he now believed, if he could turn his gaze away and keep it away, would disappear…" (137 italics mine).

The tall convict finds the pregnant woman's body terrifying because in the chaotic landscape it becomes another marker of an excess of life. The convict desires containment and restraint; he wants to be legible within the law, but in the exceptional conditions of the Mississippi flood he doesn't know what to do with the "monstrous" body of the woman that is about to labor under incoherent conditions. Like anti-abortion laws that seek to define life at conception, the convict more than anything is intent on drawing the boundaries of life. He looks away from the pregnant woman and hopes she just disappears because he longs for the re-established order of his prison life. Without the constraining forces of capitalism, the pregnant body becomes frightening because it contains a reproductive power that exceeds the capacities of the tall convict and has no legibility in the chaotic world caused by the flooding river.

When the tall convict and the woman (now no longer pregnant because she successfully gave birth with the convict's help) first encounter other human beings on a boat, rather than feeling relief more confusion arises. First, the tall convict doesn't understand where the boat is headed. When the people on the boat try to rescue them, the tall convict first wants to ascertain where they are going because he wants to move closer to Parchman, his prison, rather than farther. A voice "foreign and out of place" coming from the boat begins the following conversation:

"Where is it you are trying to go?"

"I aint trying," the convict said. "I'm going to Parchman."

…

"Carnarvon?"

"What?" the convict said. "Parchman?" (200)

After this jumbled exchange, where neither man seems to understand the other, the foreign voice concedes and tells the convict they're going his way, although it soon becomes apparent that this is not true as the woman admits that it never sounded like the man said "Parchman" but that "It sounded like he said something else" (204). Once on the boat, he notices something else: "the other refugees who crowded the deck…were not white people" (201). In telling this story to the other convicts, in retrospect once he is safely back in prison, the incomprehensibility of the convict's experience becomes more apparent. His cellmate, the plump convict, responds and they have the following dialogue:

"You mean niggers?"

"No. Not Americans."

"Not Americans? You was clean out of *America* even?"

"I don't know," the tall one said. "They called it Atchafalaya."—because after a while he said "What?" to the man and man did it again, gobble-gobble—

"Gobble-gobble?" the plump convict said.

"That's the way they talked," the tall one said. "Gobble-gobble, whang, caw-caw-to-to." (201)

In retelling his story to his cellmates, the tall convict emphasizes the illegibility of his world. Although Atchafalaya is within U.S. borders—in the southwestern corner of Louisiana—and the people on the boat are most likely speaking French given

Atchafalaya's proximity to New Orleans, he can only register these strangers as foreigners because in his world their difference has no place. The chaotic, upside-down environment the convict finds himself in is terrifying because he doesn't recognize its order and its will. Shortly before the convict becomes lost on the river, he looks out across the Mississippi and sees far on the horizon another levee. At first he doesn't recognize what he sees because it looks so small compared to the looming landscape around him. Then a moment of realization comes to him, and he thinks, "*That's what we look like from there. That's what I am standing on looks like from there"* (62). A prodding guard immediately interrupts his thoughts by urging him to walk on. Yet what this brief moment intimates is the convict's smallness in a large world where the forces that organize his life are just one order among many, and that once he is lost in this larger world those forces no longer sustain their legibility.

In prison the tall convict's life was constrained and yet fully legible to the law. The prisoners spend their days farming, performing labor for the sake of labor because the profits of their work will never be represented monetarily to them. The narrative notes, "It could have been pebbles they put into the ground and papier-mache cotton and corn sprouts which they thinned" (26). The convicts engage in endless labor with no remuneration; they are the epitome of Arendt's cyclical laborers because their efforts never can have value in terms of the lasting products of work. Yet when the convict finds "freedom," in the days after the flood when he is lost on the Mississippi River and his prison files him as dead, he longs to return to his labor. He thinks, "All in the world I want is just to surrender" (146). He begins fantasizing about his mule Henry, who serves as a comforting and safe memory. Henry, bound by his hybrid birth, is incapable of

reproducing and spends his days in endless labor. Dobbs argues that the mule's separation from the laws of reproduction "serves as a figure for a crucial purity and 'freedom' within the world of this novel, a world in which reproduction (central to both women's 'maternal function' and to capitalism) is equivalent to a site of frightening contamination" (822). Dobbs' description ironically denotes the space of the prison as "freedom" because, as she doesn't state, in prison the convict is freed *from* the chaos of nature. In prison, he can mindlessly labor and have his needs attended to. The world of excess and art are safely on the other side of the bars.

Ten years later Harry finds himself in Parchman as well, the same prison that presumably still holds the tall convict. To connect the pregnant woman to Charlotte's abortion, I'd like to turn to Elizabeth Grosz again and her theorization of chaos. She writes, "Chaos here may be understood not as absolute disorder but rather as a plethora of orders, forms, wills—forces that cannot be distinguished or differentiated from each other, both matter and its conditions for being otherwise, *both the actual and the virtual indistinguishable*" (5, italics mine). The world Grosz describes is precisely the flooded environment surrounding the convict, and it is also the world Harry and Charlotte try to construct for themselves. In insisting that her abortion is no more than clipping an ingrown toenail, Charlotte articulates the potential sameness of actual and virtual life. If virtual life in this case is a yet-to-be-born cellular mass growing in Charlotte, it is a life that it not yet individuated and personified. Similarly, Charlotte and Harry both want to live their lives against the individualizing and privatizing forces of capitalism. Until they meet the Polish workers who quite literally and abjectly embody the notion of life as an unindividuated organism, they too want to be able to strip away their individuality. Thus

when Charlotte insists on an abortion, she is not expressing an anti-life position. On the contrary, she is resisting the privileging of so-called individuated life. The fetus that grows inside her has as much worth as all potential and virtual life forms around her, and thus either to abort it or to nurture it both amount to a re-shaping of life, potential or already there. The next section will return to this point to think about how Charlotte's position radically alters life politics in abortion discourse.

In the last chapter of "The Wild Palms," the doctor and his wife, who rent Charlotte and Harry a dilapidated shack in Mississippi as Charlotte is slowly dying of her abortion, argue over how to respond to the strange couple living on their property. The wife wants to call a taxi and get them off her property, while the doctor wants to call an ambulance and the police. He shouts that Harry "must suffer for this" (243). She retorts, "Suffer fiddlesticks. You're mad because he used a scalpel without having a diploma. Or did something with it the Medical Association said he mustn't" (244). Or as the "foreign" doctor the tall convict encounters tells him, the American Medical Association confers "the power to bind and to loose" (209). In other words, Harry broke the Law; he violated not the law of a god or a religious order, or even the law of the state, but the law of the AMA and its disciplinary apparatus. His transgression in the eyes of the doctor is not immoral, treasonous, or sacrilegious, but it simply defies his established order and authority. Harry and Charlotte have acted with little regard for the order of things, and now they must pay: Charlotte with her life and Harry with his freedom. Thus in an act that mirrors the tall convict's return to prison, Harry surrenders by insisting that the officer called to arrest him for performing an illegal abortion put handcuffs on him.

He willingly enters prison, where separations between the private and public no longer exist even in name. His experiment with Charlotte has failed not because of the abortion but because they realized the impossibility of their ambitions: To make a living not premised on endless labor and its individuating tendencies, but to live life as life, in its actual and virtual possibilities. What they tragically discover is that there is no outside to capital and its organizing technologies.

Abortion and the Politics of Life

> *From the standpoint of 'making a living,' every activity unconnected with labor becomes a 'hobby.'* —Hannah Arendt[136]

> *What is life in its essence and even before that, does life have an essence—a recognizable and describable designation outside of the relation with other lives and with what is not life?*—Roberto Esposito[137]

I'd like to end this chapter with a turn to the legal philosopher Ronald Dworkin by particularly focusing on his contentions in *Life's Domain: An Argument about Abortion, Euthanasia, and Individual Freedom.* Dworkin's project is similar to mine in that he seeks to demonstrate a shared ideology between "pro-life" and "pro-choice" advocates. Yet his conclusions are startlingly different from mine and his unacknowledged assumptions point to the complicated constructions of human life that Faulkner's *The Wild Palms* sought to explore. Dworkin asserts that most objections to abortion are based on either a *derivative* objection or a *detached* objection. The first takes an anti-abortion position because it believes that the fetus has a right to life, which it shares with all

[136] p. 128
[137] From *Bios: Biopolitics and Philosophy*, p. 44.

human beings. The second contends that abortion is wrong because life has an intrinsic, sacred value. Dworkin quickly dismisses the first objection by arguing that even people who say they object to abortion on this basis don't really believe that a fetus can have rights because it doesn't yet have a consciousness and thus a volitional will. Thus he concludes that the *real* reason why people insist that abortion is wrong lies in their belief that terminating any human life is reprehensible.

Dworkin takes a decisively pro-choice stance in *Life's Domain*; he believes that abortion should be legal and accessible as put forth by the terms of Roe v. Wade. At the same time, he also argues that fetal life, like all individuated human life is sacred and inviolable. In fact, the phrase "human life is sacred" functions as the refrain of his work and is repeated at least once in almost every chapter. He contends that the belief that "individual human life is sacred" is an idea that "we almost all share in some form" (13). Occasionally Dworkin replaces "sacred" with "inviolable" to make clear that this conception is not based in religious belief but also has secular interpretations (25). Before I go on to critique Dworkin's assertions, I'd like to emphasize that he makes clear that his arguments primarily apply along a conservative-liberal spectrum. While he acknowledges that some people might hold views outside this spectrum, he decides to limit his arguments to this field because it "will make it easier to describe my main points" (31).[138]

[138] Even more problematically, when Dworkin ventures to address feminist critiques of legalizing abortion on the basis of a right to privacy, he draws on Catharine MacKinnon's reactionary assertions. Dworkin takes issue with MacKinnon's argument that granting abortion on the basis of privacy frees the government from responsibility to aid women who cannot afford abortions. Additionally, by protecting women's privacy, the law could then also insist that government cannot interfere with what happens behind private doors, even in cases of domestic abuse and rape. He does draw on MacKinnon's assertion that the fetus is a form of human life to demonstrate that the liberal position also views human life as inviolable. Dworkin doesn't address critiques of rights and choice by such feminist thinkers as Mary Poovey, Rosalind Petchesky, and Carol Rosenberg-Smith, who were publishing their critiques by the mid-1990s.

This decision ultimately limits the power of his argument, but it also demonstrates the similarities between the liberal and conservative position on abortion, which brings it in line with my aims here. However, as I will soon show, Dworkin and I reach strikingly different conclusions.

Dworkin begins by contending that both liberal and conservative thinkers can agree that human life "has intrinsic moral significance" (34); the two sides diverge in how they apply that conviction to their position on abortion. Ultimately, his argument settles on explaining that liberal and conservative positions on abortion don't differ in how the value life but in how they judge waste. He explains, "the real argument against abortion is that it is *irresponsible to waste human life* without a justification of appropriate importance" (58, italics mine). The real difference between the two positions, Dworkin then concludes, is that conservatives view the termination of a pregnancy at any stage as a waste of life, while liberals are more likely to contend that if a woman does not abort a pregnancy when carrying it to term would mean that her quality of life would be severely impacted then her life is wasted. Yet he also asserts that liberals agree with conservatives because as the fetus develops "[as] this natural investment continues [in life], and the fetus develops toward the shape and capacity of an infant, abortion, which wastes that investment is progressively an event more to be avoided or regretted" (94). Similarly, he argues that conservatives, no matter how much they insist that life begins at conception and therefore any abortion is in violation of that life, would still agree that human life has more value the further along in fetal development (94). Dworkin and I thus agree that the liberal and conservative stances on abortion are based in a similar ideological platform; however, Dworkin is attempting to

reconcile these positions to promote a rights-based platform for abortion. Yet, by deconstructing the language of pro-choice and pro-life position, his argument deconstructs itself. I'd like to point to three flaws in his assertions that nevertheless might lead toward developing an epistemological framework for abortion politics that privileges neither a pro-life nor a pro-choice ideology.

The most vexing assumption Dworkin makes is that most people view all human life as sacred and inviolable. If asked, many people, across cultures, ethnicities, and religions, might undoubtedly agree with this view, but in practice upholding this assertion as truth becomes more problematic. If human life were so sacred, how could the atrocities of the twentieth and twenty-first centuries have happened and with such little protest? If all people believed in the inviolability of human life, how could the killings in Auschwitz, the bombing of Hiroshima, the genocide in Bosnia, the massacres in Rwanda have happened? Were lives not wasted then? Crucially missing from Dworkin's analysis is a differentiation between bare life and vested human life. Timothy Campbell notes this elision in Dworkin's work when he writes, "Such a conflation of bare life and *bios* accounts for his failure to think life across different forms…" (xxxvii). Campbell points to Dworkin's incapacity to think of human life beyond the individual and beyond the subject who is legible to the state and its laws. Yet, Dworkin's oversight also raises the question: If abortion politics in the United States are not rooted in a shared belief that all human life is inviolable, then how did the association between abortion and a life politics arise?

Dworkin emphasizes that both liberals and conservatives share the view that it is "irresponsible to waste human life." This stress on waste, which Dworkin returns to

several times, echoes Arendt's critique of the capitalist ethic that guides our modern conceptualization of life and labor. Explaining her position, which she identifies as one shared by Marx, she writes:

> If any human activity was to be involved in the process at all [of accumulating wealth], it could only be bodily 'activity' whose natural functioning could not be checked even if one wanted to do so. To check these 'activities' is indeed to destroy nature, and for the modern age, whether it holds fast to the institution of private property or considers it to be an impediment to the growth of wealth, a check or control of the process of wealth was equivalent to an attempt to destroy the very life of society. (112)

Dworkin's rhetoric, seen through Arendt's argument, reveals itself to be rooted in a capitalist logic of accumulation and reproduction. If "pro-life" ideologies view abortion as "wasteful" and "pro-choice" positions view women who can't afford to have children but do so anyway as "wasteful," it is because they are enmeshed in a capitalist rhetoric that perceives the checking of any productive or reproductive activity as an impediment to the natural forces of profit and accumulation, and thus this checking will "destroy the very life of society." Thus the cycle of fertility is linked to the cycle of laboring not only in that they both emphasize reproduction for the sake of reproduction, as Faulkner's *The Wild Palms* shows, but also because they both generate an ideology of proliferation without regulation or impediment. Just as wealth must be allowed to grow without check, so too must individual human life be preserved for the sake of letting "nature" fulfill its cycles.

Added to Dworkin's capitalist and individualizing rhetoric, he also suggests that the real reason people might be anti-abortion is because they view wasting human life as "irresponsible," thus echoing the language of Margaret Sanger and Anthony Comstock, as I describe in chapter two. Although he disagrees with this position, he doesn't discredit the rhetoric of responsibility but rather uses this point to argue that anti-abortion ideology is more at issue with the *irresponsible* action of wasting life than in actually believing that fetuses have rights. Ultimately, he agrees that since human life is sacred we must make responsible choices, even, as he concludes, that means deciding to abort a pregnancy. Yet by emphasizing this rhetoric of responsibility, his argument rests on certain normative assumptions: as discussed in previous chapters, discourses of responsibilization work to discipline subjects into a liberal ethics that sediments norms which in turn work to demarcate populations by racial, class, and other identity-based markers. As Campbell explains in his critique, "ethic individualism quickly becomes the norm that transcends life; it is a norm of life that limits life to the confines of an individual subject and individual body" (xxxviii). Campbell points to a key problem with Dworkin's argument: it assumes an individuated life that is already formed through liberal epistemologies. Dworkin can't seem to imagine life that is not static, not individual, and not already made legible through the recognition of the liberal state.

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In *Time Travels*, Elizabeth Grosz asks feminists to reconsider Charles Darwin's theories of evolution and what they might have to offer to feminist conceptions of life, culture, and sexual differentiation. She explains:

> Darwin develops an ontology, an account of a real, that is profoundly different from that of his predecessors and contemporaries, in which life is now construed as an open and generative force of self-organization and growing material complexity, where life grows according to a materiality, a reality, that is itself dynamic, that has features of its own which, rather than being seen as responsive or reactive, are as readily understood in terms of the active forces of interaction that generate and sustain change. (37)

Grosz's turn to Darwin has the potential to radically alter the status of life in abortion politics. [139] Through her reading of Darwin she presents life as dynamic and un-individuated matter, as always having the potential for change and movement. She positions this view of life in contrast to that of feminists who have posited that nature is static and fixed.[140] One of her main interventions is to undo the nature/culture binary that has structured feminist debates for more than thirty years by contending that to argue that human behavior is formed by nature is not to say that it is fixed and therefore unchangeable, but rather that nature and the natural are as constantly changing and moving as cultural forces. Her argument has much to offer abortion politics because it opens up a new understanding of life that is much larger than the individual or even the

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[139] I acknowledge that implicit in accepting Grosz's understanding of life as dynamic and its implications for a life politics of abortion, readers must already agree that evolution, as Darwin observed it, does exist and informs life on earth.

[140] Another way to understand Grosz's argument is through Keith Ansell Pearson's reading of Henri Bergson. Pearson writes, "If our consciousness were eliminated the material universe would continue to subsist as it was and matter would resolve itself into numberless vibrations linked together in an uninterrupted continuity 'and traveling in every direction like shivers through an immense body'" (165). In other words, we only perceive matter as formed and, in some cases, in its individuated state because our human brains have been structured to do so. If we can imagine life without the organizing functions of our consciousness, then we might begin to perceive a very different material world and a very different understanding of life within that world.

human. Grosz argues that "what the humanities may learn from Darwin is that human products and practices—institutions, languages, knowledges—are never adequate to the real of life and matter, but are always attempts to contain them, to slow them down, to place them in a position of retrospective reconstruction in the service of life's provisional interests" (42). Similarly, current American abortion rhetoric attempts to contain life by reducing it to an individuated and static form. Instead, I suggest here that if the emergence of fetal life were viewed within the larger, more complex network of all life, then we might come to realize that the valuing of human life in "pro-life" abortion rhetoric has nothing to do with the intrinsic value of individuated human life but the valuing of capitalist ideals that drive an economy based on reproduction. Perhaps once we recognize that neither the "pro-life" nor the "pro-choice" position actually values *zoe*, human life that has not been granted legibility and individuation, then we might begin to move toward an abortion politics that does not work through biopolitical technologies that are founded on the reification of norms and the management of populations through racial demarcations. Ultimately, the overarching goal of this project is to suggest that in order for women to have continued access to abortion and other reproductive options, a new politics must emerge that severs abortion from its eugenic and liberal investments. Charlotte in *The Wild Palms* provides an alternative to contemporary abortion rhetoric when she insists that the procedure is no more than "clipping an ingrowing toenail" (173)—a medical procedure devoid of political implications and normative conditions. Her approach, although perhaps an exaggeration, might suggest a third way of articulating access to abortion as a procedure outside of eugenics and its implicit ties to responsibility, individuality, and autonomy.

Works Cited

"An Act for the Suppression of Trade in, and Circulation of, Obscene Literature and Articles of Immoral Use." March 3, 1873, ch. 258, § 2, 17 Stat. 599. ("Comstock Law")

Arendt, Hannah. *The Human Condition.* Chicago: The University of Chicago Press, 1958.

___. *The Origins of Totalitarianism.* New York: Harcourt, 1951.

Aristotle. *Niomechean Ethics.* New York: Penguin, 2003.

Agamben, Giorgio. *Homer Sacer: Sovereign Power and Bare Life.* Trans. Daniel Heller-Roazen. Stanford: Stanford University Press, 1998.

___. *Means Without Ends: Notes on Politics.* Trans. Vincenzo Binetti and Cesare Cesarino. Minneapolis: University of Minnesota P, 2000.

___. *State of Exception.* Trans. Kevin Attell. Chicago: University of Chicago Press, 2005.

Bad Girl. Directed by Frank Borzage 1931; Los Angeles, CA: Motion Pictures.

Balay, Anne. "Hands Full of Living": Birth Control, Nostalgia, and Kathleen Norris." *American Literary History.* 8.3 (Autumn 1996):471-495.

Balibar, Etienne, and Wallerstein, Immanuel. *Race, Nation, Class*: *Ambiguous Identities*. Trans. Chris Turner. New York: Verso, 1991.

Bauer, Dale M. *Edith Wharton's Brave New Politics.* Madison: The University of Wisconsin Press, 1994.

Beisel, Nicola. *Imperiled Innocents: Anthony Comstock and Family Reproduction in Victorian America.* Princeton, NJ: Princeton University Press, 1997.

___, and Kay, Tamara. "Abortion, Race, and Gender in Nineteenth-Century America". *American Sociological Review* 69:4 (Aug 2004): 498-518.

Benjamin, Walter. "Theses on the Philosophy of History." *Illuminations: Essays and Reflections.* Trans. Harry Zohn. New York: Shocken Books, 1968.

Benn Michael, Walter. *Our America: Nativism, Modernism, and Pluralism.* Durham: Duke University Press, 1997.

Berg, Allison. *Mothering the Race: Women's Narratives of Reproduction, 1890-1930.* Urbana: University of Illinois Press, 2001.

Blount, Anna. “Large Families and Human Waste.” *The Birth Control Review.* 2.1 (1918): p. 3.

"Boston Bans Delmar Book," *New York Times*, May 4, 1928.

Brodhead, Richard. *Cultures of Letters: Scenes of Read and Writing in Nineteenth-Century America.* Chicago: University of Chicago Press, 1995.

Brodie, Janet Farrell. *Contraception and Abortion in 19th-Century America.* Ithaca: Cornell University Press, 1994.

Brown, Wendy. *States of Injury: Power and Freedom in Late Modernity.* Princeton: Princeton University Press, 1995.

___. “The Impossibility of Women’s Studies.” *Differences* 9:3 (1997): 79-102.

Bruinius, Harry. *Better for All the World: The Secret History of Forced Sterilization and America’s Quest for Racial Purity.* New York: Knopf, 2006.

Burrill, Mary. “They That Sit in Darkness: A One- Act Play.” *Birth Control Review* 3.9 (September 1919): 5-8.

Butler, Judith. *Precarious Life: The Powers of Mourning and Violence.* New York: Verso, 2004.

___. *Undoing Gender.* New York: Routledge, 2004.

Capo, Beth. *Textual Contraception: Birth Control and Modern American Fiction.* Columbus: Ohio State University Press. 2007.

Chamberlain, John R. “Six Months in the Field of Fiction.” *New York Times.* June 24, 1928.

Chanock, Martin. “‘Culture’ and Human Rights: Orientalising, Occidentalising, and Authenicty.” *Beyond Rights Talk and Culture Talk: Comparative Essays on the Politics of Rights and Culture.* Ed. Mahmood Mamdani. New York: St. Martins Press, 2000.

Chesler, Ellen. *Woman of Valor: Margaret Sanger and the Birth Control Movement in America.* New York: Doubleday, 1992.

Cheah, Pheng. “Mattering.” *Diacritics* 26.1 (Spring 1996): 108-139.

Comstock, Anthony. *Traps for the Young.* New York: Funk and Wagnalls, c. 1883.

___. *Frauds Exposed: Or, How the People are Deceived and Robbed, and Youth*

Corrupted. Montclair, NJ: Patterson Smith, [1880] 1969.

Cornell, Drucilla. *The Imaginary Domain: Abortion, Pornography, and Sexual Harassment.* New York: Routledge, 1995.

Crenshaw, Kimberle. "Were the Critics Right About Rights? Reassessing the American Debate About Rights in the Post-Reform Era." *Beyond Rights Talk and Culture Talk: Comparative Essays on the Politics of Rights and Culture.* Ed. Mahmood Mamdani. New York: St. Martins Press, 2000.

Davis, Angela. *Women, Race, Class.* New York: Random House, 1981.

Dawkins, Laura. "From Madonna to Medea: Maternal Infanticide in African American Women's Literature of the Harlem Renaissance." *Literature Interpretation Theory* 15 (2004): 223-240.

Dearborn, Ella K. "Birth Control and A Bugaboo." *The Birth Control Review* 4.5 (1920): p. 14-15.

Delmar, Viña. *Bad Girl.* New York: Harcourt, Brace, and Co., 1928.

Deleuze, Gilles. *Negotiations.* Trans. Martin Joughin. New York: Columbia University Press, 1995.

Dennett, Mary Ware. *Birth Control Laws: Shall We Keep Them, Change Them, or Abolish Them?* New York: F. H. Hitchcock, 1926.

Dreiser, Theodore. *An American Tragedy.* New York: Signet, [1925] 2000.

Dworkin, Ronald. *Life's Domain: An Argument About Abortion, Euthanasia, and Individual Freedom.* New York: Vintage, 1994.

English, Daylanne. *Unnatural Selections: Eugenics in American Modernism and the Harlem Renaissance.* Chapel Hill: University of North Carolina Press, 2004.

Esposito, Roberto. *Bios: Biopolitics and Philosophy.* Trans. And Intro. Timothy Campbell. Minneapolis: University of Minnesota Press, 2004.

Faulkner, William. *As I Lay Dying.* New York: Vintage Books, [1930] 1990.

___. *Wild Palms.* New York: Vintage Books, [1939] 1990.

Fedorko, Kathy A. *Gender and the Gothic in the Fiction of Edith Wharton.* Tuscaloosa: University of Alabama Press, 1995.

Fitzgerald, F. Scott. *The Beautiful and Damned.* New York: Penguin Books, [1922] 1998

__. *The Great Gatsby.* New York: Scribner, [1925] 1999.

Foucault, Michel. "Nietzsche, Genealogy, History." *Language, Counter-Memory, Practice.* Trans. Donald F. Bouchard. Ithaca: Cornell University Press, 1977.

___. *Security, Territory, and Population: Lectures at the Collège de France, 1977-1978.* Trans. Graham Burchell. New York: Palgrave MacMillan, 2007.

___. *Society Must Be Defended: Lectures at the College de France, 1975-1976.* Trans. David Macey. New York: Picador, 2003.

___. *History of Sexuality: An Introduction: Volume I.* Trans. Robert Hurley. New York: Vintage, 1978.

___. *Discipline and Punish: The Birth of the Prison.* Trans. Alan Sheridan. New York: Vintage, 1977.

Galton, Francis. *Hereditary Genius, An Inquiry into Its Laws and Consequences.* New York: St. Martin's Press, 1978.

Gillette, Meg. "Making Modern Parents in Ernest Hemingway's 'Hills Like White Elephants' and Viña Delmar's *Bad Girl*" *MFS Modern Fiction Studies* 53:1 (Spring 2007): 50-69.

Goldsmith, Meredith. "White Skin, White Mask: Passing, Posing, and Performing in the *The Great Gatsby*." *Modern Fiction Studies* 49.3 (Fall 2003): 443-468.

Gonzales v. Carhart. April 2007. Public Law 108-105, HR 760, S 3, 18 U.S. Code 1531 (U.S. Supreme Court Case).

Gordon, Linda. Gordon, Linda. *Woman's Body, Woman's Right: Birth Control in America.* NY: Penguin, 1990.

Gordon, Milton M. "Kitty Foyle and the Concept of Class as Culture" *The American Journal of Sociology* 53:3 (1947): 210-217.

Grafton, Kathy. "Degradation and Forbidden Love in Edith Wharton's *Summer." Twentieth Century Literature* 41:4 (Winter 1995): p. 350-366.

Grant, Madison. *The Passing of the Great Race; Or, the Racial Basis of European History.* New York: C. Scribner's Sons, 1916.

Grimké, Angelina Weld. "The Closing Door." *Birth Control Review* 3.9 (September 1919): 10; 3.10 (October 1919).

Griswold v. Connecticut. June 1965. 381 U.S. 479 (U.S. Supreme Court Case).

Grosz, Elizabeth. *Time Travels: Feminism, Nature, Power.* Durham: Duke University Press, 2005.

Harris, Cheryl I. "Whiteness as Property." *Harvard Law Review* 106. 8 (June 1993): p. 1707-1791

Hartman, Saidiya. *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America.* New York: Oxford UP, 1997.

Hemingway, Ernest. "Hills Like White Elephants." *The Complete Short Stories of Ernest Hemingway.* New York: Scribner, [1927] 1998.

Hobsbawm, Eric. *The Age of Extremes: A History of the World, 1914-1991.* New York: Vintage Books, 1994.

Hughes, Langston. "Cora, Unashamed." *The Ways of White Folk.* New York: Vintage, 1990.

Jacobs, Harriet. *Incidents in the Life of a Slave Girl.* Mineola: Dover, 2001.

Jensen, Joan M. "The Evolution of Margaret Sanger's 'Family Limitation' Pamphlet,1914-1921." *Signs: Journal of Women in Culture and Society* 6.3(1981): p. 548-67.

Johnson, Barbara. "Apostrophe, Animation, and Abortion." *Diacritics* 16.1 (Spring 1986), pp. 29-47.

Kaplan, Amy. *The Social Construction of American Realism.* Chicago: University of Chicago Press, 1992.

Kassanoff, Jennie A. *Edith Wharton and the Politics of Race.* Cambridge: Cambridge University Press, 2004.

Kitty Foyle. Directed by Sam Wood 1940; Los Angeles, CA: RKO Radio Pictures.

Koloze, Jeff and Gardiner, Anne Barbeau. *An Ethical Analysis of the Portrayal of Abortion in American Fiction: Dreiser, Hemingway, Faulkner, Dos Passos, Brautigan, and Irving.* Lewiston, NY: Mellen, 2005.

Lee, Hermione. *Edith Wharton.* New York: Knopf, 2007.

Lewis, R.W.B. *Edith Wharton: A Biography.* New York: Harper and Row Publishers, 1975.

Liber, Benzion. “As the Doctor Sees It.” *The Birth Control Review* 1.3 (1917): 7.

Lock, Robert Heath. *Variation, Heredity, and Evolution.* New York: E.P. Dutton and Company, 1906.

Locke, John. *Second Treatise of Government.* Indianapolis: Hackett Publishing Co., 1980.

Luker, Kristin. *Abortion and the Politics of Motherhood.* Berkeley, CA: University of California Press, 1984.

Marx, Karl. *Grundrisse.* Trans. Martin Nicolaus. New York: Penguin Books, 1993.

___. *Capital, vol.1.* Trans. Ben Fowkes. New York: Penguin Books, 1990.

___. “On the Jewish Question.” *Early Writings.* Trans. Rodney Livingston and Gregor Benton. New York: Penguin Books, 1992.

Meier, Joyce. “The Refusal of Motherhood in African American Women’s Theater.” *MELUS* 25.3/4 (Fall/Winter 2000): 117- 139.

Miller, Frank. *Censored Hollywood: Sex, Sin, and Violence on Screen.* Atlanta: Turner Publishing, 1994.

Mills, Catherine. “Biopolitics, Liberal Eugenics, and Nihilism.” *Giorgio Agamben: Sovereignty and Life.* Eds. Matthew Calarco and Steven DeCaroli. Stanford: Stanford University Press, 2007.

Mohr, James. *Abortion in America.* New York: Oxford University Press, 1978.

Morley, Christopher. *Kitty Foyle.* New York: Grosset & Dunlap, 1939.

Morrow, John Howard. *The Great War: An Imperial History.* New York: Routledge, 2003.

Newman, Karen. *Fetal Imagery: Individualism, Science, Visuality.* Stanford: Stanford University Press, 1996.

Nhlapo, Thandabantu. “The African Customary Law of Marriage and the Rights Conundrum.” *Beyond Rights Talk and Culture Talk: Comparative Essays on the Politics of Rights and Culture.* Ed. Mahmood Mamdani. New York: St. Martins Press, 2000.

Nietzsche, Friedrich. *On the Genealogy of Morals.* Trans. Walter Kaufmann. New York: Vintage Books, 1967.

Olin-Ammentorp, Julia. *Edith Wharton's Writings from the Great War.* Gainesville: University Press of Florida, 2004.

O'Neill, Eugene. "The Abortion." *Complete Plays 1913-1920.* New York: Library of America, 1988.

Owen, Chandler. "Women and Children of the South." *Birth Control Review* 3.9 (September 1919): 9.

Osborn, Lincoln A. *Bad Girl: A Dramatic Comedy in Three Acts.* New York, n.d.

Parker, Dorothy. "Lady With a Lamp." *The Portable Dorothy Parker.* New York: Viking Press, 1973.

__. "Mr. Durant." *The Portable Dorothy Parker.* New York: Viking Press, 1973.

Petchesky, Rosalind. *Abortion and Woman's Choice: The State, Sexuality, and Reproductive Freedom.* Boston: Northeastern University Press, 1990.

Poovey, Mary. "The Abortion Question and the Death of Man." *Feminists Theorize The Political.* Eds. Judith Butler and Joan W. Scott. New York: Routledge, 1992.

Price, Alan. *The End of the Age of Innocence: Edith Wharton and the First World War.* New York: St. Martin's Press, 1996.

Regan, Leslie. *When Abortion was a Crime.* Berkeley, CA: University of California Press, 1997.

Richardson, Anna Steese. "Birth Control and the War." *The Birth Control Review* 2.4 (1918): p. 3-4.

Roberts, Dorothy. *Killing the Black Body: Race, Reproduction, and the Meaning of Liberty.* New York: Vintage, 1997.

Roe v. Wade. January 1973. 410 U.S. 113 (Supreme Court Case).

Rousseau, Jean-Jacques. *The Social Contract and other later political writings.* Ed. Victor Gourevitch. Cambridge: Cambridge University Press, 2007.

Ruhl, Lealle. "Dilemmas of the Will: Uncertainty, Reproduction, and the Rhetoric of Control." *Signs: Journal of Women in Culture and Society* 27.3 (2002): p. 641-663.

Sanger, Margaret. "Birth Control and Racial Betterment." *The Birth Control Review* 3.2 (1919): 11-12.

___. “Birth Control or Abortion—which shall it be?” *The Birth Control Review.* 2.11 (1918): 3-4.

___. *Margaret Sanger: An Autobiography*. 1938. New York: W.W. Norton & Company.

___. “The Eugenic Value of Birth Control Propaganda.” *The Birth Control Review.* 5.10 (1921): 5.

___. *The Selected Papers of Margaret Sanger: Volume I: The Woman Rebel, 1900-1928. 2003.* Ed. Esther Katz. Urbana: University of Illinois Press.

___. *Woman and the New Race.* 1920. New York: Blue Ribbon Books.

Scanlon, Jennifer. *Inarticulate Longings: The Ladies' Home Journal, Gender, and the Promises of Consumer Culture.* New York: Routledge, 1995.

Schoen, Johanna. *Choice & Coercion: Birth Control, Sterilization, and Abortion in Public Health.* Chapel Hill: The University of North Carolina Press, 2005.

Sergel, Christopher. *Christopher Morley's Kitty Foyle, A Comedy in Three Acts.* Chicago, The Dramatic Publishing Company, 1942.

Shuttleworth, Sally. 1990. “Medical Discourse and Popular Advertising in the Mid-Victorian Era.” *Body/Politics: Women and the Discourses of Science.* Ed. Mary Jacobus, Evelyn Fox Keller, Sally Shuttleworth. New York: Routledge.

Smith, Lillian. *Strange Fruit.* New York: Harcourt, 1944.

Smith-Rosenburg, Carroll. “The Abortion Movement and the AMA, 1850-1880.” *Disorderly Conduct,* New York, Oxford University Press, 1985.

Solinger, Rickie. *Beggars and Choosers: How the Politics of Choice Shapes Adoption, Abortion, and Welfare in the United States.* Hill and Wang, 2002.

__. *Wake Up Little Susie: Single Pregnancy and Race Before Roe v. Wade*. New York: Routledge, 2000.

Spivak, Gayatri. “Righting Wrongs.” *South Atlantic Quarterly.* 103.2/3 (2004): 523-581.

Stetz, Margaret D. "Christopher's Morley's Kitty Foyle: (Em)Bedded in Print." Unpublished manuscript.

Stoddard, Lothrop. *The Rising Tide of Color Against White World-Supremacy.* [1922]. Honolulu: University of the Pacific Press, 2003.

Stoler, Laura. *Race and the Education of Desire: Foucault's History of Sexuality and the*

Colonial Order of Things. Durham: Duke University Press, 1995.

Stormer, Nathan. *Articulating Life's Memory: U.S. Medical Rhetoric about Abortion in the Nineteenth Century.* Boston: Lexington Books, 2003.

Thompson, Ralph, "Books of the Times," *New York Times*; December 5, 1939.

Trevor, John Bond. *An Analysis of the American Immigration Act of 1924.* New York: Carnegie Endowment for International Peace, Division of Intercourse and Education, 1924.

Turlish, Lewis A. "The Rising Tide of Color: A Note on the Historicism of The Great Gatsby." *American Literature.* 43.3 (Nov 1971): 442-444.

Weinbaum, Eve Alys. *Wayward Reproductions: Genealogies of Race and Nation in Transatlantic Thought.* Durham: Duke University Press, 2004.

Wharton, Edith. *A Backward Glance.* New York: Simon & Schuster, 1998.

___. *A Son at the Front.* New York: Charles Scribner's Sons, 1923.

___. *Summer.* New York: D. Appleton and Company, 1917.

___. *The Marne.* Whitefish, MT: Kessinger Publishing, LLC, [1919] 2007.

Where Are My Children? Dir. Lois Weber. National Film Preservation Foundation, [1916] 2007.

Williams, Patricia. *Alchemy of Race and Rights.* Cambridge: Harvard University Press, 1992.

Wilt, Judith. *Abortion, Choice, and Contemporary Fiction: The Armageddon of the American Literature.* Bloomington: Indiana University Press, 2004.

Wolff, Cynthia Griffin. *A Feast of Words: The Triumph of Edith Wharton.* New York: Oxford University Press, 1977.