

Her “Qualified Right”: The Rhetoric of Patriarchy and Women’s Reproductive Freedom

Reproductive justice carries the burden of raising awareness, arguing for a paradigm change, and fostering activism to sustain reproductive freedoms for women. Although the relatively open access to reproductive health in Western cultures does identify gains—however tenuous—women have made, this access adheres to the values of predominantly male lawmakers and court officials. The rhetoric behind granting women the right to reproductive healthcare, especially abortion access, conforms to phallogocentric assumptions that men must ultimately grant women rights. Whether the right be women’s suffrage or the state-sanctioned timeframe for terminating pregnancies, patriarchal values undergird these decisions. Using Knoblauch’s theory of discursive ideologies, specifically deconstructive rhetoric, this chapter identifies how the landmark Supreme Court decision of *Roe v. Wade* conforms to pervasive phallogocentric values surrounding women’s reproductive rights. The language in the decision reflects patriarchy’s assumption of its inherent domain over all aspects of women’s lives.

Advocates for reproductive justice must explain to privileged white male authorities that an injustice exists, requiring advocates to overcome socially constructed hegemonic forces just to raise awareness. Because activism begins from a subaltern position, demands for reproductive justice appear as requests from authority instead of exposing the systemic sexism that reproduces a variety of injustices. Uncovering the underlying primacy of capitalism influencing the “pro-choice/pro-life” dichotomy, Smith identifies that a narrow attention to choice, “without addressing the economic, political, and social conditions that put women in this position in the first place,” maintains the status quo (134). Furthermore, Solinger explains that the second-wave feminist fight for choice fulfilled “middle-class women’s arrival as independent consumers,” which legitimizes their request because they conform to capitalist notions of having “earned the right” (199-200). Poor women, women of color, and women living under authoritarian regimes have varying levels of freedom to choose, but, if choice is granted based on patriarchy perception of legitimacy, activism surrounding reproductive justice (and laws stemming from activism) will need to pass the invisible litmus test of conforming to capitalist ideology, namely, assurance a woman has properly earned her choice.

Roe v. Wade embodies much of the rhetoric that reflects patriarchal control of reproduction. This decision, barely upheld on later rulings, maintains that the State, wielding its authority to protect privacy and private property, may control women’s reproductive health. The language of the decision does not even grant *women* the right to choose to have an abortion. In fact, the ruling states, “the abortion decision...must be left to the medical judgment of the pregnant woman’s attending physician” (114). That language exposes the assumption that patriarchy is paramount in granting the request. Furthermore, the ruling establishes the State as arbiter of women’s reproductive freedom after the third trimester of pregnancy: “the State...may, if it chooses, regulate the abortion procedure” (114). Rhetorically, the ruling’s language reflects the default patriarchal perspective in society. Following activist calls to promote reproductive justice over the nebulous concept of “pro-choice,” this chapter raises awareness of how *Roe* upholds a “qualified right” to abortion, a right that is meaningless when the patriarchal State controls access and limits reproductive freedom.

Works Cited

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