Resonance and Radicalism: Feminist Framing in the Abortion Debates of the United States and Germany¹

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Cultural resonance and movement success are not the same, and not all movement speakers seek success in terms resonant with institutionalized discourses—some instead choose to be radical. Quantitative comparison of German and U.S. newspapers in the period 1970–94 shows how differences in discursive opportunity affect both the strategic use of frames in the feminist repertoire about legal abortion and their long-term success. In Germany, speakers emphasizing women's victimization and natural connection to the fetus become accepted as representing a realistic feminist position, thus mainstream, while those who would destignatize abortion become marginalized. In the United States, the reverse is the case. Qualitative analysis of activist arguments then shows how this adaptation to opportunity by mainstream feminist speakers affects those who continue to voice "radical" concerns.

Where once American social movement theories could be criticized for a narrow view of rationality that assumed that strategic choice was simply a matter of objective opportunities and organizational efficiency, it is now largely acknowledged that a movement's objectives, opportunities, and choices are socially constructed and culturally variable. This "cultural turn" in social movement theory emphasizes the role of discourse. In

¹ This article is based on work supported by the National Science Foundation (grant no. SBR9301617). Thanks are extended for the many useful comments and suggestions provided by Ann Taylor Allen, Christine Bose, Lisa D. Brush, Jane Collins, Shelley Correll, Linda Gordon, Richard Hiskes, Joya Misra, Victoria Mayer, Silke Roth, Elizabeth Rudd, Leila Rupp, Kristen Springer, and Joan Twiggs on an earlier and much less focused draft of this article, as well as to the *AJS* reviewers for their constructive theoretical contributions. Direct correspondence to Myra Marx Ferree, Department of Sociology, University of Wisconsin, 1180 Observatory Drive, Madison, Wisconsin 53706. E-mail: mferree@ssc.wisc.edu

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particular, the focus has shifted to how issues are framed discursively, and the cultural resonance of such framing strategies is often seen as a sine qua non of movement success (Benford 1997; Benford and Snow 2000).

Yet the concept of cultural resonance is still problematic. First, it has not been operationally defined independently of the outcomes it is claimed to produce. Most studies approach cultural resonance by describing the framing of a single movement and arguing that the resonance of this framing contributed to its success (e.g., Čapek 1993; Diani 1996) or that its failures can be explained by the shortcomings of the frame or framing work of the organization (e.g., Babb 1996). Because cultural resonance and movement success are both seen as outcomes, it is easy to lose sight of the distinction between them; any idea that gains ground becomes defined as having been culturally resonant.

Second, framing language can obscure how power relations shape the dominant discourses and through them affect movement speech, channeling what challengers will attempt to say and how they say it, as well as affecting how they are heard (Steinberg 1999; Ellingson 1995). Certain ideas are likely to be structurally disadvantaged by the terms of the dominant discourse. When cultural resonance is interpreted as success in conforming to these more advantaged frames, the "best" movement speech will appear to be that which is most co-opted into this discourse. Analyzing the framing process as if it were merely the search for cultural resonance reduces it to a marketing process rather than one in which principles and ideological considerations play a significant role (Oliver and Johnston 2000).

Third, speakers within the same movement have reasons for framing issues differently. Short-term strategic effectiveness is not the only goal of movement speech, but it is a more important goal for some speakers than for others. Speakers who persist in raising nonresonant issues may be ineffective in the short-term and even dangerous to the movement, but, even so, not all speakers seek resonance. Looking at which speakers are discursively marginalized and the strategic risks they represent to the movement provides important clues to the power relations institutionalized in the hegemonic framing of issues. The use of nonresonant frames is by definition radical.

The main argument of this article is that institutionalized forms of discourse offer opportunities to speakers but do not force the choice of the most resonant framing; the gradient of opportunity still allows actors to opt for radicalism rather than resonance. Although resonant ideas appear mainstream and offer conventional forms of success, such as winning popular support and elite allies, radical ideas are attractive to movement actors who seek a restructuring of hegemonic ideas and the interests they

express and support. Just which ideas and interests are radical and which are resonant will depend on the local structuring of discourses. This is illustrated in comparing the feminist arguments for abortion rights in the United States and in Germany. Although both privacy and protection are part of the feminist repertoire of discourse available to speakers in both countries, they are selectively advantaged differently in each country. In the United States the discursive opportunity structure privileges individual privacy, and in Germany state protection is institutionally anchored in the discourse.

But such resonance is only half the story. All discursive opportunity structures are inherently selective, such that openings for ideas taking certain directions also are obstacles to other ways of thinking about a problem. When movements seek the advantages resonance offers they also accept political costs, particularly in marginalizing alternative frames, the speakers who offer them, and the constituencies whose concerns they express. Narrowing public framing of feminist claims to those that are most resonant is expedient for the purposes of influencing policy, gaining public support, and forestalling countermovement attacks; however, such strategic framing also excludes interests and needs that—while no less feminist in principle—are radical, that is, less defensible in that discursive context, but whose success implies more fundamental change. Because the discursive opportunity structure of each country is different, these strategic inclusions and exclusions follow different lines. What is mainstream feminism in one country is marginalized in the other, and vice versa.

After clarifying the concepts of frames, ideologies, and discursive opportunity structures, the article shows how constitutional court decisions in both countries in the 1970s institutionally anchored discourse about abortion in two different ways of understanding women's needs. In Germany, the court affirmed a fetus's right to life but also the social needs of women and the moral obligations of the welfare state; in the United States, the court affirmed a right to privacy for all abstract individuals, including pregnant women in the category of persons who could exercise free moral choice within that zone of privacy and excluding state consideration of women's social circumstances. The article empirically demonstrates the effect of these differences in discursive opportunity on men and women abortion-rights speakers in both countries, showing how those who enter each media mainstream, including those representing feminist organizations, highlight the ideas that resonate with those that are institutionally anchored in their particular setting. The second half of the article explores the exclusions that result from the search for resonance by comparing mainstream ideas with those marginalized by the movements in each country. Seeking resonance is in both cases a costly choice,

sacrificing portions of the feminist repertoire of ideas as well as failing to represent the interests of some potential constituencies.

MOVEMENT DISCOURSES AND THEIR CONTEXTS

There is little disagreement today that social movements' objectives, opportunities, and organizational choices are socially constructed and culturally variable (McAdam, McCarthy and Zald 1996; Della Porta and Diani 1999). Rather than merely conducting strategic arguments about the most effective ways to achieve specific goals (the rational actor model), movements struggle to define the meaning of specific policies and practices (Gamson 1992; Melucci 1995; Della Porta and Diani 1999). Recognizing such cultural work as important, increasing attention is paid to the role of discourse in how actors perceive political opportunities, construct collective identities, and define their available choices (Johnston and Klandermans 1995; Gamson and Meyer 1996). This literature offers insights into both movement discourses and the political fields in which they operate.

Frames and Discourses

Snow and his colleagues (Snow et al. 1986; Snow and Benford 1988) offered the most generally influential approach to studying social movement discourses by reviving and applying the Goffmanian concept of "framing" to the cultural work movements do. Their central concept is "cultural resonance," by which they mean an objective congruence with society's values and principles, understood as reflecting properties of the frame itself (its narrative fidelity, experiential commensurability, and empirical credibility; Snow and Benford 1988, p. 208). Because this view of framing removes it from an analysis of power relations, discourse does not appear to express or institutionalize inequalities (Gamson 1992; Steinberg 1999). It also casts a movement, perceived as singular and unitary, as always trying to achieve resonance, and it presents frames as a stock of resources for the movement to deploy.

Critics of this approach have stressed instead the dialogic nature of the interaction between authorities and challengers (Gamson and Meyer 1996), and define "the production of meaning as essentially contested collective action" (Steinberg 1999, p. 737), which includes both themes and counterthemes (Gamson and Modigliani 1989). Despite the opportunity to read new meanings into dominant discourses such indeterminacy presents, challengers are "always partly captive" to meanings already present and thus cannot "simply readily and instrumentally manipulate" them

as cynical means to be effective within the status quo (Steinberg 1999, p. 753).

Advocates of more attention to the relation of power to framing argue that when frames are cut loose from the relations to other actors and ideas that specify their wider social meaning, the concept of "frame" becomes problematic. Oliver and Johnston (2000) contrast frames, which they see as discrete packages of meaning that can be "marketed" by movement actors, and ideologies, defined as socially imbedded and complex systems of values, norms and beliefs, usually with historical roots in ongoing power struggles. Thinking about frames as resources, they suggest, leads to seeing movements as merely seeking appealing "sound bites," a valid but distinctively modern concern. Steinberg (1999, pp. 746-47) stresses that the discursive hegemony power holders exercise by virtue of their institutional control can at least partially limit what discourses are perceived to be empirically effective and experientially valid and thus shape the practical repertoire of ideas available. He argues that the concept of a repertoire should substitute for that of a frame, to emphasize how discourses are "relational products of contention between challengers and powerholders, which limits both the strategic choice of performances as well as the conceptual mapping of possibilities for action" (Steinberg 1999, p. 750). However, this move loses the useful sense of frames as the narrower "interpretive schemata" or "packages" that are part of a larger interpretive repertoire or stock of contested codes and meanings (Gamson and Modigliani 1989).

The concept of a frame as an "interpretive package" with an internal structure organized around a central idea (Gamson and Modigliani 1989, pp. 2–3) provides a unit of analysis to track over time and in specific contests over meaning. Situating the concept of frame as an interpretive package in a dynamic model of interaction between challengers and power holders links frames to hegemonic ideas (discursive opportunity structures), to the historical contention of groups over codes (repertoires), and to the core values, identities, and interpretation of material interests of social groups (ideologies) that guide their use. A feminist repertoire, for example, includes all the frames grounded in the core principle of women's self-determination that are used within a particular historical struggle. But as this paper will show, not all frames in the repertoire will be similarly advantaged by a particular discursive opportunity structure.

Discursive Opportunities

Ideologies, repertoires, and frames do not exist in a vacuum. Discursive opportunities are structured, both in the sense of having pattern and form and in the sense of being anchored in key political institutions (Sewell

1992). While the concept of political opportunity structures is popular in current social movement scholarship, the idea of discursive opportunity structure advanced here is not just an extension of this global and sometimes seemingly all-encompassing concept still further, but an attempt to more clearly specify the structured and institutionalized nature of what Steinberg calls discursive hegemony. Discursive opportunity structures are institutionally anchored ways of thinking that provide a gradient of relative political acceptability to specific packages of ideas (Ferree et al. 2002; cf. Koopmans and Olzack 2002). As institutionally anchored patterns of interpretation, discursive opportunity structures in modern democracies can be found in major court decisions, as well as in the prior constitutional principles they invoke and in subsequent legislation written to be consistent with these principles. These texts provide concrete ways of understanding what an issue means politically in that particular place and time.

Comparisons of similar frames in different contexts help to separate the role of such structured discourses (the gradient of opportunity) from agency (the strategic choices made among available frames). Although institutionalized interpretations provide greater openings in some directions than in others, at the extremes making some ideas "unthinkable" and others "common sense," not all movement speakers always respond opportunistically to hegemonic discourses. When challengers battle on this common terrain by looking for "gaps, contradictions and silences" and by seeking to "appropriate pieces to inflect . . . with their own subversive meanings" (Steinberg 1999, p. 751), not all of them will seek success in the terms that the dominant discourse defines. Their claims are never fully freely chosen, but also not institutionally dictated. Some movement

² The concept of *discursive opportunity structure* acknowledges that limits and opportunities to which movements are strategically responding include both stable and variable elements, as well as features that may be specific to a particular issue or more widely available across issue domains (Gamson and Meyer 1996; Ferree et al. 2002). While the *production* of a discursive opportunity structure and its change over time surely requires examination of the effects of both movements and countermovements on it, this article focuses on the *effects* it has on one movement, feminism.

³ Discursive opportunity structures are certainly political but are not usefully conceptualized as merely a subtype of state-centered political opportunity structure. By advantaging certain ways of speaking that are at least potentially open to anyone, discursive opportunity structures deploy power to shape ideas directly (and group access indirectly) while other forms of political opportunity structure shape group access directly (and the expression of ideas indirectly). In the sense of seeing the symbolic as itself a domain of power, the term "hegemonic discourse" comes closer to what the term covers but does not emphasize the structural and institutional character it has. Although anchored in institutionalized texts, the effects of privileging a certain way of framing are expressed in a "capillary" way in expert discourses, media presentations, and popular culture, not only in what is recognized as formal politics.

speakers attempt to redefine the meaning of words, revalue their connotations and create new ways of perceiving the world (Staggenborg 1995).

Cultural resonance is thus not simply a property of the frames themselves, a tool movements can adopt for success, a resource waiting to be discovered, or the outcome all speakers are seeking, but an interaction of a certain package of ideas with the variable structure of an institutionally anchored discourse. In this article, resonance is defined as the mutually affirming interaction of a frame with a discursive opportunity structure supportive of the terms of its argument, while radicalism is similarly defined as a mutually contradictory relationship between this structure and a frame.⁴ Institutional anchoring is the concrete manifestation of the symbolic power that makes certain ideas hegemonic and others not. Just what ideas are hegemonic will differ both across cultures and over time.

Radical Identities and Discourses

Although some would argue that ideas that are not resonant will necessarily be changed (Ellingson 1995, p. 109), it would seem foolish to suggest that there are no persistently radical streams of thought in social movements nor speakers who deliberately choose radicalism over accepting the terms of a dominant discourse. Indeed, Ryan's (1992) study of feminist ideology in National Organization for Women (NOW) groups in the 1970s and Katzenstein's (1998) study of feminist mobilization within the Catholic Church and military establishment indicate that identity as a "radical" and struggling against the terms of the hegemonic discourse are closely related choices, selectively embraced by some collective actors. The choice to use resonance with the dominant discourse strategically can offer certain kinds of success to certain speakers, but the choice to persist in making radical claims can also be justified, particularly by the hope for a longer-term success in changing the terms of the discourse (Staggenborg 1995; Katzenstein 1998).

Ultimately, the strategic choice to seek resonance is stripped of effective agency if it is defined as the inevitable direction that all framing efforts will take. The strategic implications of framing decisions are constructed from the interaction between frames and structures of discursive opportunity, but movement speakers make different trade-offs between their effectiveness in influencing policy makers and in articulating needs and interests marginalized by the status quo. Casting movement arguments

⁴ National and local contexts vary, and long-term transformations of material interests and ideologies, as Babb (1996) shows, can undercut the appeal of once popular frames. Events may also create new opportunities for formerly radical ideas (Ellingson 1995; Gamson and Modigliani 1989).

in the terms of the dominant discourse creates both winners and losers, because a resonant version of the issues will echo at least some of the exclusions assumed by the terms of this discourse. Who wins and who loses, however, depends on the specifics of each case.

Media and Movement Discourses

Discourses also do not speak themselves; however reified they may appear in the form of texts, they are authored from a specific standpoint in social structure that is more than merely discursive (Smith 1999). Public discourse in contemporary societies is largely—though not exclusively—mediated through the institutions collectively known as "mass media" that also contribute their own interests and standpoints in selecting and diffusing what becomes the "mainstream" of ideas and claims (Ferree et al. 2002). Achieving representation in the media is a prerequisite to reaching a popular constituency with a movement message and thus is an important form of success for particular speakers.

But journalists also select speakers whom they view as responsible and important. The construction of the media mainstream is influenced by—though not directly determined by, nor defined as—the discursive opportunity structure laid down in law, court decisions, or other institutionally anchored interpretative action. The relative representation of certain sorts of speakers (and the views they express) and a movement's success or failure in entering this media mainstream of discourse must be separated analytically from the extent of congruence between an institutionally anchored discourse and specific frames in a movement's repertoire. By definition, "mainstream" speakers in a movement are those who have achieved media visibility. Marginalized speakers have not; they are the "losers" in the struggle for cultural influence in and through the mass media. As we will see, some feminist speakers make it into the mainstream and others do not, but what they have to say differs dramatically by national context.

⁵ Yet it should not be surprising to find that ideas that conflict with institutionally dominant frames might enter the media's representation of a movement, especially when a movement is being presented as a danger or threat to society (see Davenport and Eads 2001). It might be hypothesized that the more radical a movement is perceived to be by the public is a direct function of such representations, but testing this hypothesis is beyond the scope of this article.

CONSTITUTIONAL INTERPRETATION OF ABORTION IN GERMANY AND THE UNITED STATES

Germany and the United States offer two very different discursive opportunity structures for dealing with women's autonomy in making abortion decisions. Both countries' constitutional courts made key decisions about abortion in the mid-1970s, but the two decisions could not have been framed more differently.

In the United States, the Supreme Court in Roe v. Wade in 1973 drew upon ideas about individualism and privacy to conclude that the state had no right to intervene in the first trimester (and a limited right to do so in later stages) in women's abortion decisions. This individualist understanding of rights was codified in further decisions. As Justice Powell, writing for the Supreme Court majority in Maher v. Roe in 1977, averred: "We are not unsympathetic to the plight of an indigent woman who desires an abortion, but the Constitution does not provide judicial remedies for every social and economic ill" (432 U.S. 464). Social and economic problems that do not arise directly from state action are seen as outside the purview of the rights secured by Roe v. Wade, just as the Court had historically viewed the inequalities of bargaining position between employers and employees as merely private. When the Supreme Court revisited Roe in the Webster (1989) and Casey (1992) decisions, it allowed the state more latitude in intervening to protect the fetus but continued to define women's right as that of making an individual choice.

In West Germany, the 1974 effort by the legislature to legalize abortion in the first trimester was overthrown by the West German constitutional court in 1975 by finding there was "a consensus" that the fetus was a human life that the state had an obligation to protect. At the same time, the court acknowledged that there might be conditions in which it went beyond the bounds of decency to require a woman to carry the fetus to term. In the law that went into effect in 1976, the "indications" that would make the state's insistence on her continuing the pregnancy intolerable (unzumutbar) included threats to her own life or health, rape, fetal deformity, and an unspecified condition of "social need" (soziale Not) determined by a doctor.⁶

Although by 1977 the issue was seen as settled, two matters returned abortion to the parliamentary agenda. First, the 1988 widely publicized trial of a doctor in Memmingen (in the southern, conservative Catholic state of Bavaria) for performing abortions without adequate "indications" put judges in the position of second-guessing his decisions. Second, the fall of the Berlin Wall in 1989 and subsequent unification of West and

 $^{^6}$ Approximately 90% of all abortions in Germany are estimated to have been performed under the "social need" indication.

East Germany raised the issue of reconciling two different abortion laws, since East German law had allowed legal abortion in the first trimester since 1972. East German protests kept the 1990 unification treaty from simply extending the West's abortion law. In writing the new law in the now unified parliament, West German women legislators played a leading role, crafting the cross-party coalition effort (the so-called *Gruppenantrag*, or group bill) that passed (Young 1999). This 1992 law was again overturned by the constitutional court, which sent it back to be refashioned in a more "pro-life" direction. The text of the final 1994 law requires statelicensed counseling to be "pro-life-oriented but outcome-open"; it defines abortion as a crime and forbids health insurers to pay for it for that reason. In the law, the state defines its responsibility as being to "help not punish" the pregnant woman. While defining all abortions as criminal, it gives a woman the right to make a nonprosecutable decision in the first trimester without disclosing her reasons to her counselor, offers state funding for abortions for women on welfare, and promises increases in state support for kindergartens and other aid to child rearers.

Thus, in the late 1980s and early 1990s, both countries' courts revisited the abortion issue and modified but did not reject the distinctive principles of their original decisions. Although the court decisions provide the institutional anchors for identifying the different discursive opportunities facing feminists, the rationales each court used also drew upon longer-standing political traditions of liberal individualism and social protection that distinguish each country.

O'Connor, Orloff, and Shaver (1999) point out that the liberal individualism that makes the United States so noteworthy for its miserliness in social welfare policy also puts it in the fore in respecting women's autonomy in making abortion decisions. In contrast, German law, like European abortion laws more generally, emphasizes public health or humanitarian justifications (Githens and Stetson 1996; Lovenduski and Outshoorn 1986). Protecting women from the psychic and social burdens an unwanted pregnancy imposes, particularly on the poor, as well as from the health risks that illegal abortion might carry, offers a framework in these countries for offering conditional access to legal abortion that is institutionally anchored in their self-definition as welfare states.

Liberal individualism as a principle of social policy in the United States emphasizes "negative liberty," shielding individuals and markets from interference by the state. As applied to abortion by the Supreme Court, U.S. social policy places particular emphasis on the freedom of the individual woman to decide for herself whether abortion is appropriate, but it also specifically exempts the state from any obligation to pay for abortions except in exceptional circumstances (when the life of the mother is at risk or in a situation of rape or incest) and, in recent welfare reform

legislation, also releases the state from the obligation to support poor mothers' child rearing (Colker 1992; O'Connor et al. 1999). Liberal individualism positions women as citizens who, like men, are in control of their own persons and assumes that women should have the opportunity to make their own way in the labor market, without any special regard for the children for whom they are likely to be responsible.

Germany is a sharply contrasting case, being a strongly protectionist policy regime. Classical liberalism was never a strong political force, and the main axis of political debate in West Germany since World War II lies between social democrats and Christian conservatives, both of whom agree that protecting women as wives and mothers is an obligation of the state (Moeller 1993). The German welfare state offers a variety of economic supports for male breadwinners and for single mothers and their children, and the German constitutional court has held that the state has a positive obligation to support families (Ostner 2002). Applied to the abortion question, the protectionist policy approach emphasizes the positive moral obligation of the state, simultaneously affirming the fetus as a human life deserving state protection and acknowledging the state's responsibility to offer the "practical social and economic support" women need to be able to bear and rear children (Berghahn 1995).

In sum, the discursive opportunities institutionally anchored in these contrasting court decisions reflect long-standing legal principles of liberal individualism in the United States and social protection in Germany. Despite differences in the chances for success given by these differing opportunity structures, when feminists in both countries mobilized to claim reproductive rights, the repertoire of frames available to them included both individualist and protectionist framing of women's autonomy.

INDIVIDUALIST AND PROTECTIONIST FRAMES IN THE FEMINIST REPERTOIRE

Autonomy is a core value for feminists. Feminist thinking about how to use abortion rights to achieve greater autonomy for women (what Gordon [1990] calls actual birth control) in both the United States and Germany offers two types of ideologically justified claims related to feminist arguments in other situations. The first framing situates abortion as a matter of choice, which women, like men, should be able to exercise freely as rights-bearing citizens, and is squarely situated in the mainstream of liberal political theory (Bordo 1993; O'Connor et al. 1999). By acknowledging women's moral competence to make abortion decisions, a state not only withdraws its coercive power from a significant arena of women's life but also symbolically recognizes women's full personhood. While this

is more than a merely negative liberty, it falls short of providing a means to realize rights to exercise choice in practice through positive state intervention (Roberts 1997). Within this framing, women's similarity to men is stressed, not their specific social position as women or their particular race and class.

The second framing of autonomy assumes the need for women to be protected from social coercion to be free. Insofar as abortion is understood not merely as a consumer choice but as an aspect of control over the conditions in which women's life chances are structured—birth control, in Gordon's terms—then male dominance and the risk of exploitation must be considered. Rosalind Petchesky offers a telling analysis of the politics of "taking risks," arguing that the "need to balance the dangers of individualism (exposure to exploitation or unfair risk) against the dangers of protection (invasion of privacy, paternalism, exclusion) . . . lives and breathes" in the history of feminism. She notes that

it has re-surfaced from time to time around issues relating to sexuality—prostitution, rape, pornography—where one group of feminists fought to expose and regulate the dangers to women in the trafficking and exploitation of their bodies . . . while others foresaw the dangers of protection, its tendency to be used as a pretext for denying women their capacity to be sexual, to work, or even to walk on the street. And, of course, both groups have been right . . . neither individualism—formulated as the 'right to privacy' in liberal constitutional tradition—nor paternalism has ever provided adequate solutions to women's collective oppression. (Petchesky 1984, pp. 190–91)

Petchesky raises the question of when and how state protection might contribute positively to women's self-determination.

Thus, both individualism and protectionism are ways of thinking about women's self-determination that are fully consistent with a feminist emphasis on women's autonomy as a core ideological value. Whether rights or risks are emphasized in any particular case is part of a complex ideological elaboration of feminist principles. As Oliver and Johnston (2000) argue, such ideological work is very different from framing in the strategic sense of offering arguments aimed to influence policy makers, sway bystanders, or motivate adherents to action. The specific elaborations of feminist principles are often grouped in categories such as radical, liberal, or socialist "feminisms" or defined as core debates within feminism, such as those between equality and difference (Tong 1989; Lorber 2001).

Similarities and Differences in Feminist Repertoires

These different ideological orientations provide a broad repertoire for feminist thinking about a variety of issues, and both are available to frame abortion rights. Studies done in both Germany and the United States point to complexity in the frames used within each country. Central to the American abortion debate, according to studies of activists on both sides, are contrasting notions of gender relations that focus on reconciling work and motherhood in women's lives (Luker 1984; Ginsberg 1990; Staggenborg 1991). Condit (1990) shows how the American print media from 1960 to 1985 created support for legal abortion through strategic appeals to choice and individual freedom, connecting abortion to women's ability to be good mothers who would limit their families in order to invest more care in fewer children. The gender relations that feature most centrally are liberal individualist ideas of opportunity and the freedom to enter into labor markets, and these are the "needs" that legal abortion apparently addresses.

However, attitudes about sexuality also play a significant role in public support for women's abortion rights in the United States (Granberg 1982, 1991). In matters of sexuality other than abortion, issues of (sexual) risks rather than (economic) opportunity have generated significant protectionist discourses among critics of pornography and prostitution (Barry 1979; Dworkin 1989; MacKinnon and Dworkin 1997). Press and Cole (1999) find American women's responses to media presentations of abortion reflect attitudes toward sexual pleasure and danger in women's lives. Women who take risks by pursuing sexual pleasure as men have done are seen as being "punished" by pregnancy for their "carelessness." Protective attitudes toward sexual risk vie with individualist beliefs about family and work to shape how American abortion discourses invoke gender relations.

In some regards like radical feminists in the United States, many German feminists stress the risks and dangers to women in the domain of sexuality, ranging from pornography to the international traffic in women's bodies (Ullrich 1998).⁷ Yet, in the late 1960s and early 1970s, feminist groups in Germany typically protested the criminalization of all abortions (via sec. 218 of the criminal code) with assertions that "my belly belongs to me," arguing that there was no legitimate basis for the state to regulate abortion. The demand for the complete and unconditional

⁷ Ullrich (1998) also shows that German feminist discourse in women's studies publications from 1985 to 1992 has become more protectionist, portraying women who "appeared to choose" new reproductive technologies as victims or dupes. Self-determination appears as a dangerous "spirit that we summoned" for the 1970s abortion debate that is "coming back to haunt" 1990s feminist politics (pp. 191–98).

abolition of section 218 was the touchstone of feminist politics at that time (Schenk 1980, Ferree 1987). As feminists became ambivalent about reproductive interventions and pessimistic about being able to challenge the constitutional principle of fetal protection established in 1975, grassroots groups in West Germany had difficulty in mobilizing against section 218 (Wuerth 1999; Young 1999). Yet it is clear that both individualist and protectionist ways of thinking about what women need to be self-determining are part of the repertoire of West German feminist thought.

In practice, most German abortion-rights mobilization in the early 1990s came either from the former East Germany or from feminists in conventional party politics. After 1989, East German framing of abortion rights emphasized how they were a protective accomplishment of the former socialist state that should not be discarded (by those sympathetic to the former Communist Party) or that they were a marker of individual freedom of conscience in the newly democratic state (by those sympathetic to the former opposition) (Maleck-Lewy and Ferree 2000). In the West, women in all political parties were vocal about the need for abortion reform after the Memmingen trial in 1988. Feminists in parliament saw the unification process as a chance to make legislative gains for women and grassroots feminists in the West deferred to them to make that case (Sauer 1995; Mushaben, Lennox, and Giles 1997).

In the following analysis, I argue that strategically chosen American and German feminist discourses have successfully entered the mainstream of media discourse in each country. But by tailoring their demands to be resonant within the discursive opportunity structure, mainstream feminist speakers also limited their conceptualization of autonomy to a more one-sided claim than the overall repertoire of feminist beliefs defines as what women need. When demanding individual liberty or protection from exploitation, mainstream feminism (the type best represented in the mass media) in each country selectively offers frames that resonate with their own national discursive opportunity structure.

But in highlighting the strategic choices of the mainstream, it is a mistake to disregard the feminists in each country who take other positions. Such radical speakers are unlikely to win short-term policy gains and may even open the movement to strategic attack from its opponents. In the second part of the analysis, I contrast the mainstream to the concerns that are strategically marginalized (both by the media and by the movement's own preferred speakers) in each country. In constructing the discursive boundaries that exclude certain frames from the mainstream, the interactive process between audiences and speakers defines radicalism along lines that are reverse images of resonance. The frames that are excluded, even attacked, differ such that what is radical in one country is mainstream in the other and vice versa.

The analysis that follows (1) identifies the interactions between national discursive opportunities and the strategic choices of frames by men and women who support women's autonomy to show how individualism and protectionism characterize the media mainstream in each country; (2) compares how feminist speakers in each country define abortion, showing how they, too, incorporate hegemonic ideas about individualism and protection in their framing; and (3) examines the discourse of feminist speakers that does not appear in the media and is rejected by the mainstream advocates to see how counterhegemonic concerns are marginalized.

DATA AND MEASURES

Analysis of who and what is represented in the media discourses of both countries is based on newspaper data collected by a project comparing German and American abortion discourse from 1970 to 1994 (Ferree et al. 2002). The newspaper data encompass 2,618 articles on the subject of abortion, including news reports, commentary, and features but excluding letters to the editor and book and movie reviews, published in the *New York Times*, the *Los Angeles Times*, the *Süddeutsche Zeitung*, and the *Frankfurter Allgemeine Zeitung*. Within these coded articles, each speaker (an individual or organization quoted or paraphrased in a single article) was also coded as to gender, party, organizational affiliation, stance on abortion restrictions, and on the details of ideas she or he expressed about abortion (if any). Media selection of such speakers defines them as having achieved some degree of *mainstream* status, and their work with the media also indicates that effectiveness in shaping public perception or influencing policy makers is likely to be their goal.

In the qualitative analysis of mainstream and marginalized feminist frames, I draw on interviews conducted with spokespersons for 14 U.S. and 11 German organizations engaged on the abortion-rights side of the debate, feminist arguments offered in texts and documents about abortion provided by these organizations, and feminist writings in U.S. and German publications. The interviews were done with a purposive sample of groups that offered distinctive arguments or media strategies; their spokespeople were treated as informants about strategic choice.

The qualitative analysis focuses on two types of "excluded arguments": the mainstream German feminist one (which is missing from the American mainstream) and the "radical" arguments in each country that its mainstream speakers reject.⁸ The stenographic transcripts of the German leg-

⁸ The American mainstream is least emphasized here because it is by far the most familiar argument; indeed, it is difficult even to discuss the debate in English without resorting to the language of "pro-choice" institutionalized in the United States. But

islative debates in 1992 (Bundestag, Ninety-ninth Session) are analyzed to see how the connection between protection for women and women's self-determination is made in Germany. These transcripts capture mainstream German feminist arguments, since the grassroots feminist organizations in the West explicitly deferred to the leadership of women in parliament in the late 1980s and early 1990s (Young 1999; Mushaben et al. 1997). The interviews and documents in both countries as well as the German legislative transcripts were also analyzed for evidence of framing that is rejected by feminists, to see what points of view are marginalized by those looking to be strategically effective.

Quantitative Coding

In the newspaper database, all ideas were coded in terms of a three-digit code that grouped arguments hierarchically in terms of core concerns (frames), policy directions (supporting greater restrictions on abortion [anti], fewer restrictions [pro], or neutral), and detailed specific claims. Thus, for example, the frame of "fetal life" included arguments in pro, neutral, and anti directions that revolved around whether the fetus was to be defined as a human life or not and that could take a variety of specific forms (science says it is a human life, it is a human life at some stage but not before, abortion is murder, etc.) reliably distinguishable by the coders. First-digit frames were also divided into distinctive clusters at the third-digit level. The individual and state frame, for example, included clusters of ideas about religious freedom, individual privacy, states' rights, and the moral role of the state (for examples of these frames and clusters, see Ferree et al. 2002).

Each argument offered in a single utterance (paragraph or uninterrupted quote) by a speaker was coded separately, so that individual utterances could contain multiple ideas. Speakers were classified as pro, neutral, or anti based on the directional balance of their frames in each article. Overall, there were 4,762 U.S. speakers and 3,737 German speak-

because the terminology of "choice" is the result of a specific discursive strategy, as I later discuss, I have tried to avoid the term "pro-choice" as much as is possible and thus not to assimilate other frames to this mainstream U.S. definition of the issue. Although for brevity I have sometimes substituted the term "pro-choice" for the more accurate term "pro-abortion rights" to describe the political position (although not the frame), these are not wholly synonymous concepts and "pro-choice" is potentially misleading as a label if taken too literally.

⁹ Ideas coded as neutral in policy direction included some that would lead in different directions in each country (e.g., asserting that the fetus is a life at a particular stage and not before would imply lesser regulation in Germany but not in the United States) as well as ideas with no directional implication (e.g., "I wonder whether this is a human life").

ers, of whom 3,593 in the United States and 2,267 in Germany offered codable ideas about abortion. ¹⁰ In this article, speakers who do not offer any framing ideas or who oppose abortion rights are excluded from the analysis, since the focus is on differences between feminist and nonfeminist frames for abortion rights. This analysis examines 469 neutral and 1,791 pro-abortion-rights speakers in the United States and 293 neutral and 836 pro speakers in Germany. ¹¹

The full three-digit codes are used to identify four types of arguments in favor of abortion rights: (1) an argument for individual rights (against state intervention) not explicitly about gender; (2) an argument for women's specific self-determination as women; (3) an argument for protection of the needy, the exploited, and those at risk without specific mention of gender; (4) an argument for specific protection for women in the risks and problems they face as women. There is thus a liberal individualist argument (1) and a gendered self-determination argument (2) that frame the core feminist value of autonomy in significantly different ways. There is also an ungendered and gendered form of a protectionist argument (3 and 4). The ungendered version of protectionism for example, argues that the poor are the ones victimized by making abortion illegal, that counseling is necessary to get informed consent, or that health care for teens is undermined by parental consent rules, while the gendered version of protection explicitly names women as the ones in need women's victimization as women through rape, women's needs as mothers to care for the children they have, women's need for counseling to know their options, or good health care for women as specifically demanding access to abortion.

Measures.—Two measures of framing use are constructed, each of which is independent of the presence or absence of other ideas in the argument and both of which rely on aggregation to the speaker level

¹⁰ These numbers reflect weighted figures corrected for differences in sampling fractions by newspaper, year, and country. For details of the weighting procedure see Ferree et al. (2002).

¹¹ Neutral as well as pro-abortion-rights speakers are included since speakers coded as neutral include those whose organizational position clearly locates them on one side or the other but whose utterance taken at face value in the article did not. For example, the rhetorical question "Is this a human life?" means something different, even if it is the only statement offered in an article, depending on whether it is uttered by the director of the National Right to Life Committee or the director of the National Abortion Federation, but both were coded as neutral. In addition, arguments that were contextually different (mandatory counseling for teens only was restrictive in the United States but more liberal in Germany) were also coded as neutral. Many feminist speakers in both countries were coded as neutral, making it more valid to include than to exclude them from this analysis. However, any speakers who were discursively neutral in the article but represented antiabortion parties or antiabortion social movement organizations were excluded from the analysis in this article.

(within an individual article). First, the rate per utterance measure counts the frequency of use of any one of these types of arguments, regardless of the number of other idea types also included in the speakers' utterances. The second measure counts the proportion of speakers of a given type who include any argument in this category, regardless of what other arguments they may also use. The degree to which the four types of claims are empirically distinct or related is thus an analytic question, not an artifact of a coding procedure.

Speakers for abortion rights are divided into four basic types: (1) those who represent a feminist organization or grassroots group, (2) those who speak for other pro-abortion-rights organizations, (3) those who represent pro-abortion-rights political parties, and (4) all other pro and neutral speakers. Speakers are also identified as women or men, with non-gender-identified speakers (such as nonbylined journalists and collective actors with no named spokesperson) as the omitted group. Finally, change over time in framing is not conceptualized as a year-by-year linear trend but as a broad shift between periods. The three periods used for this analysis are the years before 1977 (when the first wave of constitutional interpretation and legislation was being done in both countries), 12 the 1977–88 phase of response to this reform, and the 1989–94 period when the law was revisited and revised by the courts in both countries.

MEDIA ANALYSIS

Analysis of the newspaper data focuses on how the interaction between discursive opportunity and speakers' efforts to achieve resonance with it leads to distinctively different patterns in the mainstream of discourse among abortion-rights advocates. This leads first to examining individualism, protectionism, and the interaction between them in each country's mainstream media discourse. The second part of the analysis indicates how the speakers who are organizationally defined as "feminists" conform to and differ from this overall mainstream.

Autonomy as Individualism or Women's Right

Looking first at how autonomy is framed, we see a sharp difference between the two countries. German abortion-rights speakers, especially

¹² In the United States the constitutional interpretation in *Roe* triggered a wave of state legislation and constitutional argument, while in Germany the order was reversed, with federal legislation in 1974 being referred to the constitutional court and then modified when the court rejected the initial legalization. But by 1977 in both countries the nature of the court's institutional framing was established.

women, make claims for self-determination that are specifically gendered as women's right, and U.S. speakers, both men and women, advocate abortion rights in nongendered language that refers to the rights of the "individual" (and her doctor, and her family) to be free from state interference. As figure 1 indicates, German women speakers include a gendered argument for women's self-determination more than three times as often as they make abstract claims for individual rights (51% vs. 16%), while U.S. women speakers are more likely to prefer abstract individualism to gendered arguments, though not by nearly as wide a margin (41% vs. 35%). American men speakers show a dramatic preference for the individualist argument over the gendered one (45% vs. 21%), while German men tend to share the German women speakers' preference for including an argument about women's rights as women, though not as strongly preferring it (28% vs. 19%). There is thus a dominant form of discourse in both countries for making claims about self-determination. The mainstream German version is explicitly gendered and the American version is not, yet in both countries women speakers show more preference than men do for making the argument in gendered terms. 13 The abstract individualism of American liberal discourse seems to frame the debate in terms men prefer.

Protection frames.—Framed in liberal individualist terms, American rhetoric downplays arguments about the need for the state to protect women, and German rhetoric overall is more likely to draw upon protectionist claims, as would be expected. Yet differences in use of protectionist framing are also active responses to changes in the discursive opportunity structures that abortion-rights advocates confronted in each country. Figure 2 shows the effects of divergent court interpretations on speakers in both countries in the changes by period that it reveals. The shift in discursive opportunity produced by controversial court decisions in the 1970s leads mainstream speakers in both countries to become more distinctive in their framing, each in the direction that seeking resonance would lead one to expect.

In the early period of the debate, both German men and American women tend to include an argument about the need for social protection somewhat more often (about 50% do) than either American men or German women (about 40%). Initially, in fact, German women are a little less likely to make protectionist arguments than comparable Americans are. This is the period in which they were claiming "my belly belongs to

¹³ The effect of gender on the speaker's inclusion of a women's self- determination frame outweighs that of country (β s are .17 and -.07 respectively; the difference is significant [P < .05]), but the effect of country outweighs that of gender for the inclusion of an abstract individualism argument (β s are .20 and -.03 respectively [P < .05]).

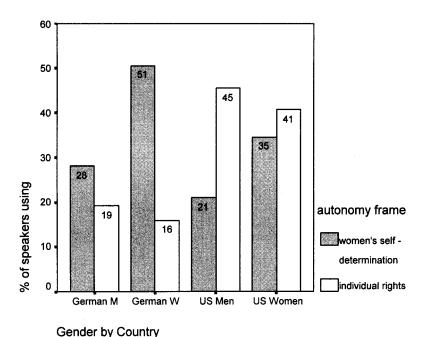


Fig. 1.—Percentage of speakers who include any pro-abortion-rights claim in the women's self-determination and individualism frames by country and gender. Note: The weighted N of cases is 368 for German men, 403 for German women, 964 for U.S. men, and 731 for U.S. women, with 160 cases where no gender is given excluded along with all speakers who are either antiabortion overall in their framing in an article or neutral but speaking for an antiabortion party or organization.

me," a phase that speakers on all sides now agree is over, while American speakers in the pre-Roe period included many claims about the risks and dangers of illegal abortion from which legalization would protect women. However, by 1977, the German constitutional court had affirmed paying attention to special circumstances ("indications" justifying abortion are required and social necessity, financial or otherwise, is a legal indication) and the U.S. court had rejected the idea that the "private social and economic ills" of pregnant women justify state funding for abortion. Once these contrasting rationales are anchored in jurisprudence, the inclusion of protectionist arguments goes up markedly among German women and down among both men and women abortion-rights speakers in the United States, as figure 2 shows. In the third time period, the period of reconsideration (prompted by the Webster decision in the United States and by unification in Germany) that begins in 1989, American abortion-rights discourse in these newspapers remains unlikely to address the need for social protection.

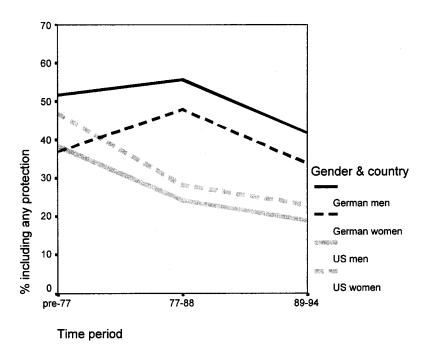


FIG. 2.—Inclusion of protection frames among pro and neutral men and women speakers by country and time period. Note: Weighted N of cases by period for each group: German men, 147, 52, 170; German women, 63, 74, 266; U.S. men, 194, 354, 416; U.S. women, 85, 257, 389. In all periods speakers who are on balance antiabortion in an article or neutral and representing an antiabortion party or organization are omitted.

Overall, in both countries, men speakers consistently differ from women speakers but in opposite, proresonance directions. Compared to women, men who support abortion rights are more likely to be protectionist in Germany and less likely in the United States, just as we earlier saw U.S. men as framing abortion more as a matter of liberal self-determination than as women's rights. However, the marked interactive effect on protectionist discourse in reaction to the court's framing of abortion was not found when liberal individualism was similarly examined over time. Although individualist frames increase slightly for American men and drop some among German men over time, the primary differences in the use of this frame (rather than a more gendered framing of autonomy) are those between countries and genders depicted in figure 1.

Combining autonomy frames with protection.—Although liberal individualism and women's rights frames the argument for autonomy differently, this does not mean that the claim for self-determination is necessarily any stronger or more prevalent in either country. In fact, the

overall degree of emphasis on the issue of autonomy is similar for women advocates in both countries, as figure 1 also shows, although German men lag behind American men in their support. Nonetheless, the use of these two different languages of justification matters for reasons beyond liberalism's relatively greater resonance for men.

Since active protection by the state is inherently at odds with self-determination when it is understood as the right of an individual to be let alone by the state, one would expect liberal individualist framing to be less consistent with advocating women's need for state protection than a women's rights framing of autonomy would be. Indeed, the choice of rhetoric for claims for autonomy goes along with a strong difference in the extent to which abortion-rights discourse accommodates claims for protection. Figure 3 shows the rate of use per utterance of the argument that women need protection by three groups of speakers—those who frame autonomy as women's rights, or as liberal individualism, or who include neither form of autonomy frame.

As figure 3 shows, compared to those speakers who do not frame abortion as being a matter of autonomy at all, women's rights framers more often include claims about women's needing protection. For example, German men who use the women's rights frame include an average of .46 frames about protecting women compared to an average of .38 for German men who include no claim about autonomy in their speech. However, the effect of framing abortion rights as a matter of individual freedom from state interference is precisely the opposite, reducing the average frequency with which speakers claim women need protection. Thus, German men who use a liberal individualist argument include an average of only .29 protectionist frames. This same relationship holds for all four groups of speakers, indicating that how self-determination is framed, the more stable feature of the discourse, encourages or discourages speakers from also drawing on feminist rhetoric about women's needing protection from exploitation.14 The women's rights frame, which we saw was much more common both in Germany and among women, supports the inclusion of ideas about protecting women. The liberal individualism frame tends instead to reduce the likelihood that women will be framed as needing protection.

Overall, we find (1) both country and gender affect the choice of the liberal individual or women's rights frame for autonomy; (2) including protection frames interacts over time with the discursive opportunity structure offered by the court; and (3) the specific framing for autonomy

¹⁴ Speakers who include both types of autonomy frames look more like women's rights framers than like liberal individualists, suggesting that it is the *exclusive* reliance on the ungendered frame that makes the use of protection frames less likely.

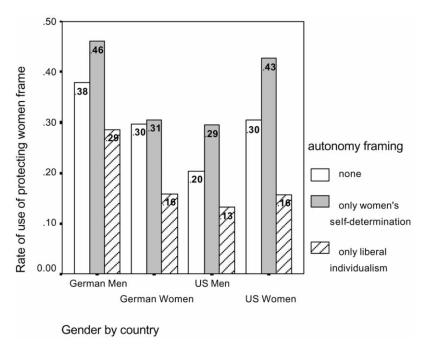


Fig. 3.—Rate of use of protecting women frame by framing as individual or women's rights by gender and country. Note: Cases here are utterances rather than speakers, with speakers averaging more than one utterance per article. Weighted N of cases for German men of each type, 224, 73, 40; for German women, 163, 176, 36; for U.S. men, 417, 109, 344; and for U.S. women, 281, 153, 197. Excluded speakers are those with no gender given (922 utterances) and those using both liberal individual and women's rights frames (346 utterances), as well as all antiabortion speakers as previously defined.

affects speakers' use of protection arguments. These results indicate that framing is both responsive to discursive opportunities and strategically consequential. Both stable and changing aspects of discursive opportunity affect framing, while, strategically, all speakers who choose liberal individualist frames, as a desire for resonance in the U.S. context would encourage them to do, say less about protecting women.

Specifically Feminist Frames

The extent of differences among speakers based on their organizational affiliations also varies between countries, confirming that speakers identified as feminist are affected by these differences in discursive opportunities. In table 1 speakers affiliated with a specifically feminist organization (e.g., NOW, local groups, feminist coalitions) are distinguished from those with pro-choice social movement affiliation that is not explicitly

 ${\bf TABLE\ 1}$ Framing Strategies by Organizational Type and Country for Pro and Neutral Speakers

	Type of Organization							
Speakers and Utterances	Feminist Group or Network		Abortion Rights Advocacy and Counseling		Pro-Abortion- Rights Political Party		Other Pro and Neutral Speakers	
	U.S.	Germany	U.S.	Germany	U.S.	Germany	U.S.	Germany
Proportion of speakers who include any gender-specific self-determination (%)	37	81	22	56	17	37	20	28
Proportion of speakers, including any nongendered individualism (%)	51	11	41	18	49	15	44	16
Rate of use: Autonomy ideas per utterance	.77	.71	.75	.81	.60	.52	.68	.55
Protection ideas per utterance	.28	.62	.31	.38	.23	.43	.51	.90
Protecting women per utterance	.17	.29	.23	.23	.17	.25	.29	.56
N of speakers	80	17	344	80	164	401	1,619	524

Note.—Only speakers who are on balance pro or neutral in an article and who do not represent antiabortion parties (Republicans, Christian Democrats) or antiabortion movements are included.

feminist (in Germany, the Green Party and ProFamilia account for most of these speakers; in the United States these speakers represent groups such as NARAL [formerly the National Abortion Rights Action League], Planned Parenthood, and the American Civil Liberties Union [ACLU]) and from speakers with a mainstream pro-choice party identification (in Germany, the Social Democrats [SPD] and Liberals [FDP], and in the United States, the Democratic Party). These three types of organizational representatives are compared to the baseline of other speakers. These other abortion-rights speakers largely represent medical, religious, and legal groups; journalists; experts; and non-party-affiliated government speakers such as judges.

In Germany, speakers for autonomous feminist groups characteristically argue for women's self-determination as women (81% of these 17 speakers include this argument). The pro-choice organizations are in turn more likely to use gendered language than those in the pro-choice parties, and the latter are in turn more likely to do so than the other speakers. Thus organizational representatives in Germany line up so that those representing types of groups that more consistently support abortion rights include proportionately more gendered self-determination arguments. In contrast, the inclusion of individualist framing is always relatively low and is especially so among the small number of feminists who appear in the media. What distinguishes those who more strongly advocate abortion rights from others in Germany is the degree to which they include arguments that specifically raise women's self-determination as a gendered right, not their use of liberal individualist arguments, and in this feminists lead the way. They can be said to have succeeded in making a core feminist frame mainstream.

By contrast, all groups in the United States, including feminist spokespeople, make their arguments in the media predominantly using nongender-specific individual rights ideas. Speakers representing feminist organizations are at least equally likely to use the liberal individualism frame as other American groups are, though they are more likely to include one or more women's rights ideas, too. Nonetheless, their use of ungendered framing still outweighs their use of language referring specifically to women's rights. In fact, compared to the huge differences among groups in Germany, there is but a small tendency for American feminists to include women's self-determination more than other groups do among their ideas (37% of feminists do, compared to a range of 17%–22% among other abortion-rights speakers). In both countries it is clear that women's self-determination can be characterized as a specifically feminist argument, although even feminist speakers in the United States do not emphasize it as much as they do abstract individualism (37% vs. 51%).

In terms of overall support for autonomy, which combines both liberal

individualism and women's rights frames, feminist speakers in both Germany and the United States are quite similar to each other (.77 and .71 autonomy claims per utterance respectively). They are also similar to other pro-choice movement organizations (with mean rates of use of .81 and .75), but more likely than the pro-choice parties and the "other" pro and neutral speakers to make autonomy their concern. It would therefore not be accurate to see either German or U.S. feminists as being more concerned about women's autonomy than speakers in the other country; instead, they express these concerns in different languages of justification, women's self-determination in Germany and abstract individualism in the United States.

It is not surprising also to see in table 1 that protection arguments are far more common among all four types of German organizational representatives, even feminists, than among spokespeople for comparable U.S. organizations. Comparing just the "other" speakers (who are the majority of abortion-rights speakers), autonomy is more frequently used than protection in the U.S. discourse (.68 to .51) while the reverse is true in Germany (.55 for autonomy vs. .90 for protection). But it is the relative significance of protectionist language in specifically feminist discourse in Germany that is most striking. Autonomy and protection both figure strongly in how German feminist speakers speak about abortion (.71 and .62 respectively), while American feminists emphasize autonomy without also making protection-based claims (.77 vs. .28). Thus feminist arguments in the United States do not merely take on a discursive cloak of nongendered individualist rhetoric. As the suppressor effect of individualist frames for autonomy on the inclusion of protection that was found in the overall discourse makes unsurprising, American feminists who have voice in the mass media frame women's autonomy in a way that only rarely involves considering women as needing state help and protection.

This comparison establishes that a sharp difference in framing between Germany and the United States has emerged in relation to their differences in discursive opportunity, while there are also differences between feminists and other framers. U.S. feminist groups who enter mass media discourse argue in the nationally dominant and institutionally anchored language of abstract individualism that the Supreme Court affirmed. German feminists make a case for gendered rights for women as women in matters of reproduction, yet also talk about protecting women. One can therefore speak of a mainstream feminist position that is distinctive to each country. As we will see below, each mainstream framing is not merely a view selected by the media for presentation to the public, but also is part of how feminist organizations and representatives present themselves.

MAINSTREAM FEMINIST DISCOURSES

Interviews with activists in feminist and pro-choice organizations in the United States and examination of legislative discourse in Germany illuminate just how feminists have adapted to the discursive constraints they faced, and what this also implies about the rhetorical exclusions they adopted.

The U.S. Feminist Mainstream

U.S. feminist organizations criticize the overall "pro-choice" media strategy of stressing abstract "choice" and view the choice approach as leaving out certain groups of women. They nonetheless say they have to adopt such rhetoric in order to be "effective" in defending abortion rights. When they criticize "choice" rhetoric, they particularly focus on the stigma associated with the choice of abortion and the obstacles to access to abortion, not on the social coercions, such as poverty, that can push women to have abortions they do not really want. From this perspective, the issue is a society that is insufficiently supportive of women having abortions, not one that is insufficiently supportive of women having children.

Feminist groups express concern about the negativity toward both actual women and their abortions in the media's "pro-choice" rhetoric. The spokeswoman for NOW, for example, acknowledges pressure to conform to the usual way of talking about abortion rights:

We don't say pro-choice. We don't use that term . . . we say supporter of abortion rights. Because I think you have to claim the word. . . . If you can't bring yourself to say it you must believe in your heart of hearts that it's a really horrible thing. It's a really sad situation so you have to call it something else. You have to think of a euphemism, because it's so . . . And, for a while, we did do that. I mean, we started to do that. (Interview, July 1997)

Within the general abortion-rights movement in the United States, feminist organizations specifically emphasized that their difference from other groups lay in viewing abortion itself in less morally negative terms, as something that was not necessarily traumatic in women's lives. As the spokeswoman for the Feminist Majority put it,

We were very concerned about how even abortion-rights groups themselves were playing the abortion issue. We were very much against the sort of characterization of abortion as like this really horrible thing that women, after they scrutinized having to do this horrible thing, should have the right to do this horrible thing. And that's still framing it as a horrible thing. And I think it just undermines your cause dramatically. (Interview, September 1997)

Overall, the feminist critique is that abortion is not "this horrible thing" and women should not feel any need for an "apology" for having had an abortion. In their view, "pro-choice" rhetoric already concedes too much ground by suggesting that abortion is something that can be morally disapproved while still permitted legally as a "private" decision.

But they also admit that being effective implies this rhetorical separation. A spokesperson for the Communications Consortium, a consulting group that worked with the "Core Group" of feminist and abortion-rights organizations, affirmed that separating the abstract choice from the content of what was chosen was the movement strategy throughout the 1980s and 1990s:

That's why, after all these years, and all the millions and millions of dollars of research, NARAL still sticks to messages about choice. People say, "Oh, you need some new messages." But the thing is, that's the one that works. That's the one where people say, "Well, I wouldn't do this, BUT that's not my business, you know. And I don't think people should interfere." That's why it doesn't change. (Interview, March 1998)

She conceded that privacy language was problematic because "vulnerable women" were left out of the debate. She detailed efforts to address women of color and specifically acknowledged that "the things that the groups decide not to go after are those things that affect poor women, a disproportionate number of whom are women of color." She particularly singled out funding for abortion as something these groups no longer pursued. She viewed this as something "they [pro-abortion-rights groups] couldn't win" and hence "politically I won't say it's the wrong decision" but also saw it as a reason that "they lost the moral high ground" (interview, March 1998).

The Feminist Majority spokeswoman said that her organization's emphasis on social protection for women could be found in the feminist defense of clinics from anti-abortion violence, stressing that it was poor women and women of color who disproportionately relied on them, She noted that "most of the clinics, especially the ones most under siege are ones that service especially young poor and women of color populations. . . . I think higher income, more white populations tend not to go to clinics, they tend to go to private physicians" (interview, September 1997). In this way, by continuing to battle for greater abortion access, even if no longer for funding, feminists defended the practical right to secure an abortion.

But this right of access is a very narrow conception of what protection the state might offer to women in need. Within the movement, in writings directed to scholars and activists, feminists are critical of the state's strongly limited role in financing abortion and child rearing in the United

States (Roth 2000; McDonagh 1996; Petchesky 1984). Even when it is acknowledged that practical political alternatives for challenging the limits of liberal individualism are lacking (Fried 1990; Solinger 1998), the "moral high ground" of advocating funding abortions for the poor and also supporting a definition of reproductive rights that includes government support for helping poor women have children, not only abortions, is widely present in academic feminist discourse in the United States (Copelon 1990). But as William Saletan (1998) argues, this narrowly strategic framing is a defensive move in a climate that is seen as putting the formal legal right at risk, and it sacrifices the needs of more socially vulnerable groups for wider state protection of the right to have children as well as abortions. As these organizational spokespeople admit, expanding the concept of reproductive rights is not today what the mainstream movement is seeking to achieve.

The U.S. feminist emphases on destignatizing abortion and resisting limits on access are very different from mainstream German feminist discourse, which places women's self-determination in a context in which the choice of abortion is portrayed as morally troubling and often less than fully autonomous, but still speaks of self-determination as women's right. This discourse is so rare in the U.S. context that it may be difficult for Americans to recognize it as feminist at all.

German Mainstream Feminist Discourse

There are three basic arguments offered by the women legislators who represented the public face of feminism in the German 1990s abortion debate, and to whom (most) grassroots feminists deferred in the hope of being influential. All these mainstream arguments are shaped by the constitutional court's finding that the fetus is a life to protect and also by feminists' desire to be effective in shaping the 1992 legislation, recognizing that a compromise bill was the best they could win, though not what they considered an ideal solution.

First, there is the claim that women will have (illegal) abortions in any case, so that it is only possible "to protect the fetus with the woman and not against her." Thus, any government action to protect the fetus (the appropriateness of which is not challenged) can only do so by helping women to want to have children and to be able to welcome a particular pregnancy ("to say yes to the child"). In this argument, women choose, but if a social context is "child-friendly" and supportive of women's personal aspirations, women will choose to have children rather than not. As Inge Wettig-Danielmeier, one of the SPD leaders in formulating the coalition bill, argued, "We don't undervalue developing life because we put changes in this society in absolute first place among protective mea-

sures, for only when women are finally equal, finally have the same rights and duties, finally know that their lives do not stand every day at the disposition of their partners and children, will they be able to decide to have children with pure joy and full inner conviction" (8225A).¹⁵ Rather than the stick of criminal law, the carrot of equality for women, including benefits for child rearing, will be the only really effective form of government intervention, and "a politics that is against women, to whom developing life is entrusted in the first place, is at the same time a politics against developing life" (Edith Niehuis, SPD, 8269A).¹⁶

Given this premise, help and protection for women are a means to the end of protecting the fetus, since a child-friendly society is one in which women have the means to "combine work and family." Antidiscrimination provisions and better wages for women workers are encouragements for women to see having a child as something they can literally afford to do; expanded state provision of kindergartens and full-day schools will help eliminate the conflict in women's lives that gives rise to "conflict pregnancies" in which abortion is even considered.

Second, there is the claim that pregnant women are essentially mothers and so are inseparably joined to the fetus emotionally. Not only do women really want to be mothers if they can be, so that any decision to terminate a pregnancy is difficult and a "conflict" for the woman, but abortion is a fundamental assault on the woman herself, by her own hand, even a form of "suicide." Dorle Marx (SPD), first pointing out that she herself was pregnant, made this analogy explicit, saying, "I assert that every termination of pregnancy is a kind of partial suicide for the mother, a destruction of a piece of her own self and is also perceived to be exactly this by the pregnant woman" (8257D), a statement that was interrupted by applause from the SPD and FDP representatives. The fetus is not just a "developing child" but the pregnant woman is portrayed as a "developing mother" (werdende Mutter). This argument stresses the continuity between the fetus as part of the woman's body and the woman herself, not presenting the fetus as "tissue" or as the property of the woman, but as a part of her "self." Because of the continuity between fetus and self, a decision to end a pregnancy is portrayed difficult, traumatic, and only undertaken when the woman can see no other way out of a situation.

While affirming thereby that women only choose abortions for serious

¹⁵ This and all quotations from the German are my own translations. The citation is to the location within the stenographic transcript of the Bundestag debates.

¹⁶ A subsidiary argument to this central theme is the claim that women have and always will have the option to have an illegal abortion, and so criminalization is powerless to really prevent abortion. This presents the state as weak and women as strong and self-determining as a matter of historical fact (e.g., Christina Lucyga, SPD 8345B; Ingrid Matthäus-Maier, SPD 8356D).

reasons, not as easily or lightheartedly as abortion opponents might suggest, this line of argument also readily accepts the idea that women need psychological counseling and help to see their alternatives. Feminist speakers in the legislature largely framed even mandatory counseling as fundamentally helpful to women. But giving women the final say over abortion is, in this argument, giving the choice to the person who is most sympathetically identified with the interests of the fetus. Should she decide that a continuation of the pregnancy is not desirable, it must really be inadvisable, since she literally loves the baby "as herself."

The third strategy is to argue that "only the woman can know" the actual circumstances in which her motherhood would occur. Playing particularly upon the fear that women's decisions could be second-guessed by a court and found to be insufficient, as they were in the Memmingen trial, this argument is that courts, judges, and even doctors are privy only to a limited view of the circumstances in which women find themselves. They must rely on what women are willing to disclose to them about the details of their life situation, and so third parties are by definition less, rather than more, capable of assessing the situation. As Uta Würfel, the FDP leader of the coalition effort, put this argument, "This situation of need, this situation of conflict is something she alone can grasp and is not something a third party can evaluate on her behalf" (8230D).

Unlike the typical U.S. "choice" argument for noninterference in a woman's own decision making, this argument does not frame the decision as inherently individual or private but rather as social and complex. The involvement of others in her life is critical, but something that only she has sufficient knowledge to evaluate. Since she will (the argument presumes) be the one who will be responsible for actually caring for the child over the long haul, she is the one best able to evaluate what resources she has and needs to carry out that task. Rita Süssmuth, a self-described feminist and leader of the faction of the Christian Democratic Union (CDU) that split from the rest of the party to support the coalition bill, explicitly accepted the right-to-life position that "there is no selfdetermination as a right over another human life" but then qualified it: "A termination of pregnancy can only be considered in a situation of need and conflict in which there is no way out. I wonder why a doctor, or a judge or prosecutor second-guessing him, would be granted more competence or responsibility to make this decision than the woman, who not only now, but lifelong, takes on the responsibility for the child, the children. Let us finally stop thinking of women as incapable of decision, incapable of responsibility" (8291B). This argument was greeted by applause coming from all the parties.

Overall, these three strategies combine to both assert a position of women as socially vulnerable and victimized but also as self-determining in practice and by right. Abortion is in no way destigmatized, but alternatives to abortion are offered to rather than forced upon women. The emphasis is on a society that would support childbirth, even for unmarried and poor women.

There is a sharp contrast between the two discourses sketched out here. The dominant American one emphasizes an abstract choice, and it is further pushed by feminist organizations not to see abortion as "a horrible thing" when women choose it. Destignatizing abortion and focusing on abortion access rather than supports for motherhood are strategic feminist responses to the opportunity structure of American liberal individualism. German feminist discourse in the legislature instead strategically casts abortion as deeply undesired, especially by women, who are nonetheless entitled to make this decision by being the "ones most deeply affected." ¹⁷

Both strategic ways of framing the abortion issue marginalize alternative points of view that are part of the more complex feminist ideological repertoire. The logical consequence of the contrasting discursive opportunity structures of these two countries is that the frames that are marginalized among self-described feminists in one country most resemble the feminist perspective typical of the other.

MARGINALIZED FEMINIST DISCOURSES

In the United States, one part of this excluded discourse is a "feminist pro-life" position. Serrin Foster, of Feminists for Life, would be quite mainstream in the German context but is attacked by both sides in the American debate when she makes claims for helping women avoid abortion that are based on women's oppression. Like many of the German women legislators, she says that "we believe that no woman chooses abortion freely. . . that it is a last resort, that it's a reflection that there is a problem in society." She explains that many of her pro-life allies reject her perspective:

They hate the word feminism. [They say that] women were having abortions because they wanted to be free, you know, that it was the changing dynamics of the family structure that caused women to have abortions, and [we] were saying "No, women were not having abortions because they want to be in control of their own lives and whatever. . . . They were having abortions because women were abandoned by men and, in some cases, threatened and coerced by men into having abortions." (Interview, July 1997)

At the same time, she is unconvinced that pro-choice feminists are really

¹⁷ Betroffenheit, the German term for being the ones who are affected, was a central claim raised by radical feminists for voice in decisions of all kinds.

supportive of the choice to have a child, pointing out that on college campuses "if there's such a free choice, then where's the housing, where's the day care, where's the maternity coverage for women [students]? . . . If everybody has such a free choice, why would they only choose abortion?" (interview, July 1997).

American pro-choice speakers are reluctant to acknowledge the social coercion that may coexist with formal legal freedoms and to admit that the "free choice" may not be experienced as a choice at all. In doing so, American abortion-rights discourse marginalizes those women who are in reality victims, and who have been "left alone" by the state to deal with the economic, personal, and social crisis they are experiencing with their pregnancy. Poor women and women of color are disproportionately among the women who do not feel that they have a choice to bear a child and who may feel instead compelled and coerced into sterilization, adoption, or abortion (Solinger 2001; Roberts 1997). The Black Women's Health Network and other women of color groups try to speak for these women but virtually never have voice in the media and are (with regret) abandoned on their "moral high ground" by mainstream women's groups. Their radical positions do not make it into the mainstream of media representation.

The virtual absence of a protectionist discourse within the American abortion-rights movement does not eliminate the actual experience of women who would indeed choose to have a child if there were "such a free choice." It does leave these more economically vulnerable and socially abused women open to a gendered antiabortion mobilization that takes up themes of women's exploitation and victimization and uses them, paradoxically enough, against feminism. Women's groups in the pro-life movement, such as American Victims of Abortion, Birthright, and Project Rachel as well as Feminists for Life, strategically seek to take advantage of this discursive exclusion. They appeal to this constituency by positing a "postabortion syndrome" of guilt and remorse, which can make sense of some women's regrets over a decision that they felt was not a real choice in practice.

In unified Germany, the radical discourse that is marginalized and rejected by mainstream feminists primarily comes from women who were raised in East Germany and so experienced abortion rights in a "child friendly" society. The East German state after 1972 did not have recourse to mandatory pro-life counseling, stigmatizing indications, or punitive criminalization to deter women from abortion, but actually relied on the "carrots" that West German reformers said they wanted. ¹⁸ Women from

¹⁸ This does not mean that abortion was actually destigmatized or discussed freely. See Maleck- Lewy and Ferree (2000) for a discussion of the East German experience.

the (former) East and the small number of West German grassroots feminists who took to the streets to demand self-determination—whose voices virtually never appeared in the West German newspaper sample—did not speak of the absence of discrimination against women or benefits for child rearing as protections that would allow women the freedom to be self-determining, but assumed that women were already free and independent actors. Their rhetoric distinguished itself from that of mainstream German feminists by insisting that women could not only choose motherhood but also nonmotherhood without guilt or apology. Their desire to destignatize abortion resembles the mainstream American feminist discourse, even though it is renounced and ridiculed in Germany.

These feminist speakers and their allies among Bündnis 90/Green and PDS legislators made claims to self-determination that resembled the scope of what the *Roe* decision guaranteed for American women.¹⁹ For example, the National Coalition against Section 218, the umbrella organization coordinating grassroots feminist protest, in 1990–91 featured a sign demanding "Abolish Section 218" on the cover of its political pamphlet *Women Demand Self-Determination*. Waltraud Schoppe, identified with feminist causes and one of the first women's affairs ministers in West Germany, argued against mandatory counseling that "apparently no other country sees women in pregnancy conflicts as morally and ethically collapsed persons like this . . . fixing women in a victim role, [counseling is] a conservative political idea that refuses to admit that women have decisiveness and determination" (8265C). She drew neither applause from the representatives nor coverage from the press.

The PDS, the successor party to the Communist Party in the East and a strong advocate of the view that abortion rights were one of the accomplishments of that regime, offered a bill that simply stated "a woman and the fruit of her womb are one physical and social unit. Every woman has the right to decide for herself if she will bear a pregnancy to term or not." PDS speakers such as Petra Bläss praised the social supports for children and mothers that the German Democratic Republic (GDR) had offered, sometimes facing catcalls from other representatives that "then

¹⁹ The PDS is the Party of Democratic Socialism, or reformed Communist Party, of East Germany. The Bündnis 90/Green legislative coalition was assembled from among the many dissident groups active in the East directly before the fall of the wall. Although the Green Party in general represents "new social movement" constituencies in West Germany, in this immediate postunification election it failed to win sufficient votes in the West to get seats (there is a 5% minimum hurdle) and was represented only by East German dissidents allied with it. Note, too, that because, especially in the East in this period, the Green Party represented social movements rather than an institutionalized party, it is grouped in the quantitative analysis as a "pro-choice organization or movement" rather than as a political party.

you must want to go back there" (8236B). PDS remarks were not applauded by legislators in other parties, reflecting the overall disapproval in which they were (and are) held.

The Bündnis 90/Green legislators, all also from East Germany, also argued against stigmatizing abortion. Christina Schenk put the argument starkly:

Only when the freedom [of women's decision] is guaranteed and when the one decision is as socially accepted as the other can you say that women's dignity is truly recognized . . . it is absurd to think that pregnancy termination is fundamentally wrong and must be treated with disapproval by the state. . . . This law criminalizes East German women . . . and by saying that through counseling women will be put in the position to make a responsible self-determined decision it tells them . . . that because there was no mandatory counseling rule, women in the GDR did not act responsibly. (8234B)

She and other East German speakers emphasized the insult that mandatory counseling regulation conveyed to them and defended the importance of asserting the principle of state noninterference, but also acknowledged that their parliamentary position was not going to be effective.

Neither the PDS nor the Bündis 90/Green bills garnered the least support in the legislature, nor were significant numbers of feminists in West Germany willing to take to the street on their behalf. Unlike Americans who advocate simply leaving women alone to make a free decision, these East German feminists were occasionally ridiculed, more often simply ignored.

CONCLUSIONS

As this comparative-historical analysis has shown, some movement speakers do seek resonance within a specific discursive opportunity structure and frame their arguments in ways that respond strategically to the chance to be effective in influencing popular and elite discourses. Both American and German feminists in the mainstream media present arguments for abortion rights that express the dominant framing of the issue as privacy in the United States and protection in Germany. But other feminist speakers still frame the issue in ways at odds with the hegemonic discourse of their particular place and time. While these radical speakers are discursively marginalized in their home country, their frames are quite mainstream in a different context. The destignatizing claims that are most ridiculed and excluded in German feminism are among the most acceptable in the United States, and the unattainable "moral high ground" of

state support for reproductive rights in the United States is part of the protectionist mainstream in Germany.

To make sense of this finding, analysis of framing in general and of resonance in particular needs to be more explicitly connected with the analysis of power relations. The concept of discursive opportunity structure as an institutionally anchored gradient of opportunity provides this missing link between discourse and power, and it also clarifies the difference between discursive context and strategic choice. When movement speakers seek to be effective within the bounds set by the hegemonic discourse, they will strategically choose to make claims in terms that are resonant with it. Because discursive opportunity structures are part of the arrangements of power and status in society, it is socially disadvantaged groups that have the most interest in the frames marginalized by hegemonic discourse. Excluding ideas has consequences for group inclusion, just as excluding groups limits the range of ideas that are expressed. This analysis explains, then, why social movement groups that seek resonance will tend to downplay the needs of their more disadvantaged constituents and representatives of these groups will tend to advance arguments that are more radical than resonant.

We should thus never expect all movement speakers to seek resonance; some speakers will persist in offering arguments that are radical, contradicting rather than affirming the premises of the discursive opportunity structure. Their radicalism lies in the challenge they pose to the institutionalized ways of thinking about an issue and the power relations embedded in these symbolic conventions. Analytically, therefore, radicalism is something different from either violent and confrontational behaviors or some theoretically defined set of "fundamental" social demands that are constant across context. Like resonance, radicalism is an *interaction* between discursive opportunity and the frames that are chosen, but it is oppositional rather than supportive in nature. Just who is a radical depends on the discursive context in which they speak. This context differs by time and place, which explains the apparent paradox that some radical ideas of the past now seem commonplace (and vice versa).

Feminist experience with individualist and protectionist discourses in Germany and the United States also shows that frames are not simply inert resources used to construct winning strategies by and for a particular movement. Framing is an interactive process that is inherently about inclusion and exclusion of ideas, so the choice of what ideas "the" movement endorses sets boundaries on its collective identity and on the definition of what losses would count as a movement failure. Choosing language that conforms to hegemonic discourse, feminists who want to be "effective" limit the range of claims that they consider "feminist" as well as drop certain goals as simply "unrealistic," rather than admitting they

have lost this fight. Thus mainstream feminists in Germany accept a definition of victory as women's limited right to self-determination in the face of a variety of state protections such as mandatory counseling, and mainstream feminists in the United States define winning as defending a formal legal right to abortion without any state funding for either abortion or childbirth. As political radicals in every social movement have always recognized, choosing resonance implies sacrificing ideals for which the movement has stood, limiting the demands that the movement places on authorities, and potentially excluding significant constituent groups and their needs from movement representation. In fact, using "effectiveness" as a criterion for deciding on what frame to use may be the critical underlying mechanism that produces what movements call "co-optation." Seeking longer-term change in hegemonic ideas is radical, and while it may decrease effectiveness in the short term or in relation to the formal political institutions of the state, it may be the only route to cultural transformations that delegitimate existing power relations.

In addition to such general conclusions about social movement rhetoric and strategies, this comparative-historical analysis also offers insights into the gender order and the gaps in feminist abortion frames in each of these specific national contexts. The definitions of what kinds of needs enter the public arena are different in Europe and the United States, and these discursive contours of the political field are themselves part of how the institutional gender order is differentially structured in each. Where the American political organization of gender maintains gender inequalities more by "privatizing" them, the German tradition more often institutionalizes gender inequality in the way it paternalistically brings in the state. Thus, the exclusions seen in regard to abortion discourse are likely to be found on a range of issues.

Unlike German discourse, American abortion-rights rhetoric does not particularly stress women as embodied (or connected to the fetus with any distinctive psychological identification), socially located in a distinctive context that can be supportive or oppressive to her as a woman (through violent or unsupportive partners, for example), or facing discriminations in her job, education, or personal life should she become a mother. It therefore has little connection to the protectionist "radical feminist" discourse that is often found in the United States on other issues of sexuality such as rape, pornography, and prostitution. The women who are, and feel themselves to be, victimized by oppressive social conditions—including not only poverty and racism but also parents, husbands, or boyfriends who pressure them into abortions they personally do not want—thus form a constituency that is not being addressed by feminists. Their regrets and sense of victimization present a strategic opportunity that women's groups in the antiabortion movement have taken up. These

strategically produced exclusions may relate to the race and social class differences in pro- and anti-abortion-rights mobilization observed by Luker (1984) and others.

But German discourse, while collectively affirming a variety of supportive policies that allow women "to say yes to the child" in ways that American social policy does not, equally narrowly draws boundaries around acceptable "needs" that women have. The personal desire to say no to becoming a mother remains discrediting and unnatural in the frame of reference for West German speakers. Abortion in this view has to be understood to be a "horrible thing" if women are not to be seen as horrible people. Women's "choice" to reject motherhood is not admitted within the boundaries of what women authentically might choose for themselves. Like pornography and prostitution, abortion is seen as always forced upon women who should not be further punished for the necessity that a hostile society lays upon them; "help, don't punish" defines the range of options for responding to women who can be thought of only as victims. Women in former East Germany are insulted to find their experiences with legal abortion being framed as victimization rather than their autonomous decision making, and many American women would feel equally affronted if *Roe* were replaced by a protectionist policy like Germany's.

If legal abortion is, as Gordon argues, only a means to the end of authentic birth control, fostering the conditions under which women can choose either a yes *or* a no autonomously would also include acknowledging a wider range of experiences in women's lives, including those discursively marginalized in each country. But the power relations structuring discursive opportunity in the United States and in Germany make such a widening of feminist frames highly unlikely. Incorporating structurally marginalized perspectives would mean advancing arguments that are not merely less likely to have a policy impact but are actively dangerous politically to the movement. By being at cross-purposes with the way feminists have adapted their arguments to the prevailing structure of discursive opportunity, they offer inviting targets for the opposition to attack.

In the end, for all social movements, discursive opportunity structures will create both losers and winners. Seeking to be successful in terms used by institutional power holders will always carry costs in marginalizing certain frames and the real needs they express. This may explain why some movement groups, including some feminist framers, still prefer to be radical.

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