

CSWS Research Matters

Reproductive Justice on the Ballot

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Urgency and danger marked the appeal: “In California, a girl under age 18 can’t get a tan at a tanning salon, a cavity filled, or an aspirin dispensed by the school nurse without a parent knowing. But a doctor can perform a surgical or chemical abortion on a young girl without informing any family member.” “Stop Child Predators! Vote Yes on Proposition 4!”

Between 2005 and 2008, California voters considered three “parental notification” ballot measures animated by dramatic claims such as this one. These parental notification initiatives sought to amend the state constitution to prohibit abortions for minors (under age 18) unless a physician first notified her parent or legal guardian in writing; except in cases of a medical emergency, a minor was required to appear before a judge to request an exception for this requirement be waived.

My research examines the increasing use of statewide ballot propositions to debate, frame, and set public policy for a broad range of “reproductive justice” issues, including parental notification laws. I utilize a definition of reproductive justice developed by a leading grassroots network of women of color-led organizations: “We believe Reproductive Justice exists when all people have the social, political and economic power and resources to make healthy decisions about our gender, bodies, sexuality and families for our selves and our communities.”¹ A reproductive justice framework thus calls attention to the broader relations of power, issues, and political context in which debates over particular rights (such as abortion rights or the freedom to marry) take place.

In the last ten years, reproductive justice policy debates have increasingly migrated away from the courts and the streets and onto the ballot, where voters have been asked to deliberate topics ranging from same



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sex marriage and adoption rights, abortion restrictions, embryonic stem cell research, and an array of health, immigration, and welfare issues. In 2008 alone, in addition to the parental notification measure, voters considered abortion restrictions (South Dakota, Colorado), bans on adoptions by unmarried couples (Arkansas), the use of embryonic stem cells for scientific research (Michigan), and bans on the recognition of same sex marriage (California, Florida, and Arizona). Since 2000, at least thirty-five ballot measures in these or related policy areas have appeared on state ballots, compared with less than five in the 1990s.

My research, rooted in a critical analysis of the discourse generated by such measures, explores the ways these campaigns shape the very meaning of reproductive justice, freedom, and rights. The political language, symbols, and modes of address that have fueled these initiative debates make visible the roles that competing campaigns can play in organizing and defining, rather than merely expressing, public understanding of complex political controversies.

The debates unfolding around the California parental notification initiatives illustrate the ways in which ballot initiatives can shape public discourse and opinion, even in the absence of any formal policy change. Ultimately, all three measures—Proposition 73 in 2005; Proposition 85 in 2006; and Proposition 4 in 2008—failed by relatively close margins on Election Day. But they had other important impacts. The three men who provided the bulk of the funding to the initiative efforts—*San Diego Reader* owner James Holman; Sonoma-based winemaker Don Sebastiani; and Domino’s Pizza owner Tom Monaghan—understood that an initiative that took explicit aim at the legal right to an abortion would fail miserably before California’s strongly pro-choice electorate. Inflammatory references to “baby killers” and defending the lives of the “unborn” would have little resonance in this context. But parental





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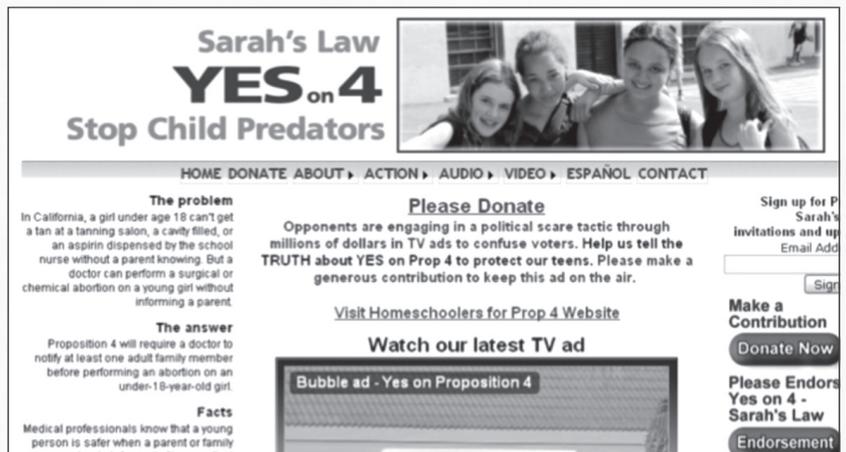
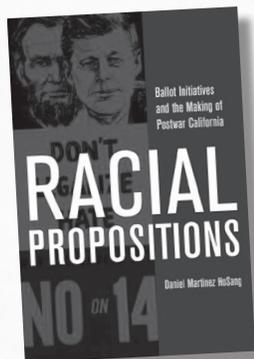
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notification laws, which are framed as defending a parent’s “right to know” and safeguarding girls from “child predators” and “abortionists,” can win the support of some self-identified pro-choice voters, even though they essentially prohibit abortions for young women who do not wish to inform a parent or guardian. Holman, Sebastiani, and Monaghan used their \$4.5 million in contributions to portray groups like Planned Parenthood as opportunistically preying on vulnerable girls and covering the crimes of “child predators.”

In response, reproductive rights supporters including Planned Parenthood were forced to raise and spend millions of dollars to keep the measures from becoming law. In addition, the arguments traditionally used to defend abortion rights—assertions grounded in women’s autonomy, privacy, and freedom from state interference—proved ineffective in this context, because proponents had already framed the debate around depictions of dispossessed parents and vulnerable children. The measure’s opponents were forced to operate within this framework, which largely precluded them from asserting any proactive vision for reproductive rights grounded in freedom or autonomy. The voices of young women themselves were mostly excluded from these debates, except through the work of a few grassroots reproductive justice organizations.

Even though the measures were defeated, their proponents succeeded in influencing the contours and terms of the debate, and in shaping future deliberations



A screen capture from the website for Proposition 4, the 2008 California parental notification ballot measure.

of these issues. Indeed, the pitched battle over federal funding for Planned Parenthood in the current session of Congress rehearsed many of the themes and ideas that developed during California’s parental notification campaigns. My future research will continue to explore links between ballot measure campaigns and the broader terrain of public debates over reproductive justice issues. ■

Editor’s Note: Daniel HoSang received faculty grant support from the Center for the Study of Women in Society for research related to this project. He is the author of *Racial Propositions: Ballot Initiatives and the Making of Postwar California* (University of California Press, October 2010, 392 pages).

Footnotes

- 1. Asian Communities for Reproductive Justice (www.reproductivejustice.org).

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