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**Complicity:  
An Introduction to Andrea Dworkin,  
"Abortion," Chapter 3,  
Right-Wing Women  
New York: Perigee, 1983**

Catharine A. MacKinnon\*

Most women who seek abortions became pregnant while having sexual intercourse with men. The abortion debate, in contrast to women's experience, has separated control over reproduction from control over sexuality, and both from gender. The Left supports the availability of the abortion choice as if women just happened upon the fetus. The Right imagines that intercourse precedes conception only to urge abstinence, as if sex were up to women, while defending male authority, including the wifely duty to submit. At least some state statutes,<sup>1</sup> and some opponents of public funding for abortions,<sup>2</sup> would allow what they otherwise prohibit if the pregnancy results from rape or incest—exceptions for special occasions on which women presumptively did not control sex. Abortion's proponents and opponents seem to share the tacit assumption that women significantly do control sex.

Impregnated in a gang rape,<sup>3</sup> Jane Roe sued to be able to end that pregnancy without being a criminal in the eyes of the state of Texas.<sup>4</sup> Her victory in *Roe v. Wade*<sup>5</sup> has been defended as giving women some say

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1. As of 1973, ten states that made abortion a crime had exceptions for rape and incest; at least three had exceptions for rape only. Many of these exceptions were based on Model Penal Code § 230.3 (Proposed Official Draft 1962), quoted in *Doe v. Bolton*, 410 U.S. 179, app. B 205-07 (1973), permitting abortion, *inter alia*, in cases of "rape, incest, or other felonious intercourse." References to states with incest and rape exceptions can be found in *Roe v. Wade*, 410 U.S. 113, 140 n. 37 (1973).

2. Some versions of the Hyde Amendment, which prohibits use of public money to fund abortions, have contained exceptions for cases of rape or incest. Pub. L. No. 95-205, § 101, 91 Stat. 1460 (1977); Pub. L. No. 95-480, § 210, 92 Stat. 1567, 1586 (1978); Pub. L. No. 96-123, § 109, 93 Stat. 923, 926 (1979); Pub. L. No. 96-536, § 109, 94 Stat. 3166, 3170 (1980). All require immediate reporting of the incident.

3. *Jane Roe' Says She'd Fight Abortion Battle Again*, Minneapolis Star & Tribune, Jan. 22, 1983, at A3, col. 1.

4. Tex. Penal Code Ann. § § 1191-1194, 1196 (Vernon 1961).

5. *Roe v. Wade*, 410 U.S. 113 (1973), did not simply decriminalize abortion, it legalized it:

over matters of life and death, including our own. It has been vilified as authorizing an American holocaust and (what may be worse) as "bad Constitutional law . . . not Constitutional law."<sup>6</sup> Never until this analysis by Andrea Dworkin has abortion policy been confronted in the context of the way women get pregnant, meaning as a consequence of intercourse under conditions of gender inequality, meaning as an issue of forced sex. Not until now has there been an account of *Roe v. Wade* as male ideology.<sup>7</sup> How does this case, its possibility and its particularities, emerge from the male perspective and serve male interests, even as it saves women from desperation and butchery?<sup>8</sup> Might the doctrinal choice of privacy, as opposed (for instance) to sex equality, appear appropriate to abortion's link to heterosexuality? Here, as with so many other issues, reading Andrea Dworkin feels like feminism for the first time.

The blunt elegant precision of Andrea Dworkin's arguments, the clarity and sweep of her vision, the compelling urgency of her voice, have moved women for nearly a decade. *Woman Hating* (1974) exposed the misogynist core of the practices that define gender female across cultures. "Footbinding did not emphasize the difference between men and women—it created them."<sup>9</sup> The analysis underlying her collected speeches,

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that is, it eliminated the crime of abortion in a way that prepared for its state regulation.

6. Ely, *The Wages of Crying Wolf: A Comment on Roe v. Wade*, 82 Yale L.J. 920, 947 (1973) (emphasis in original). Should irony fail here: I mean to criticize the elevation of methodological notions of proper Constitutional construction (purported always to be nonsubstantive) above substantive outcomes. For other criticisms of *Roe v. Wade* see A. Cox, *The Role of the Supreme Court in American Government* 113 (1976) (*Roe* "read[s] like a set of hospital rules and regulations"); Tribe, *The Supreme Court, 1972 Term—Forward: Toward a Model of Roles in the Due Process of Life and Law*, 87 Harv. L. Rev. 1, 3 n.13 (1973); Glen, *Abortion in the Courts: A Laywoman's Historical Guide to the New Disaster Area*, 4 Feminist Studies 1 (1978).

7. This is not to suggest that the decision should have gone the other way, or to propose individual hearings to determine coercion prior to allowing abortions. Nor is it to criticize Justice Blackmun, author of the majority opinion in *Roe*, who undoubtedly saw legalizing abortion as a way to help women out of a desperate situation, which it has done.

8. Not funding poor women's abortions with public money, *Harris v. McRae*, 448 U.S. 297 (1980), is consistent with this analysis of the male commitment to the abortion right, qualified to the point of nonexistence for poor/women of color whose sexual refusal never has counted. As Justice Blackmun observed in a dissent to three earlier abortion cases, "[t]here is another world 'out there,' the existence of which the Court, I suspect, either chooses to ignore or fears to recognize. . . . This is a sad day for those who regard the Constitution as a force that would serve justice to all evenhandedly and, in so doing, would better the lot of the poorest among us." *Beal v. Doe*, 432 U.S. 438, 463 (1977), *Maher v. Roe*, 432 U.S. 464 (1977), and *Poelker v. Doe*, 432 U.S. 519 (1977) (Blackmun, J., dissenting in all three cases). See also Justice Blackmun's dissent in *Harris v. McRae*, 448 U.S. 297, 348; and A. Dworkin, *Right-Wing Women* 89-99 (Perigee paperback ed. 1983) [hereinafter cited as *Right-Wing Women*].

9. A. Dworkin, *Woman Hating* 103 (1974).

*Our Blood* (1976),<sup>10</sup> comes to full expression in the monumental *Pornography: Men Possessing Women* (1981), perhaps the most important book of this wave of feminism.<sup>11</sup> Pornography is not harmless fantasy or a corrupt and confused misrepresentation of otherwise natural healthy eroticism. It represents the sexuality of male supremacy, which fuses the erotization of dominance and submission with the social construction of male and female. Gender is sexual; pornography constitutes the meaning of that sexuality. Men's power over women means that the way men see women defines who women can be. Pornography is that way.

*Right-Wing Women* (1983),<sup>12</sup> the book from which the following unabridged excerpt is taken, applies and extends these insights. To show how women of the Right are *women* in the feminist sense is to show how antifeminism—the politics of contempt for women as a class—like feminism, is a woman's response to women's situation. Dworkin accordingly needs to analyze what women's situation is. Its wholeness has never been so coherent, its outrage more luminous. The Right appeals to fears that feminism makes rational. The Right offers the better deal in a universe men control. In a world of unpredictable and (they assume) unchangeable male violence, women need protection. Their loyalty is the price of that protection. Right-wing women's instincts for survival produce a protective repulsion from feminists, whose call to freedom looks like open season on women.<sup>13</sup> The same sense of self-preservation supports a choice of one man over many, an insistence on rules in the faith that men can be held accountable to them, a love for Jesus as the perfect man who will not violate or leave them if they submit. Knowing that women do not control access to our sexuality, knowing forced sex is sex, women of the Right oppose abortion because it removes the one thing men value women for and the one thing that makes men responsible to women for sex: babies. "Right-wing women are not wrong."<sup>14</sup>

10. A. Dworkin, *Our Blood: Prophecies and Discourses on Sexual Politics* (1976) (reissued in paperback, Perigee, 1981).

11. A. Dworkin, *Pornography: Men Possessing Women* (1981).

12. *Right-Wing Women*, *supra* note 8. Page numbers in this Introduction refer to the paperback edition.

13. "The new generation can brag all it wants about the new liberation of the new morality, but it is still the woman who is hurt the most. The new morality isn't just a 'fad'—it is a cheat and a thief. It robs the woman of her virtue, her youth, her beauty, and her love—for nothing, just nothing." P. Schlafly, *The Power of the Positive Woman* 16 (1977).

14. *Right-Wing Women*, *supra* note 8, at 68-69. *See also*: "Wife or whore . . . This is the question right-wing women *face*." (emphasis added), *id.* at 62; "Feminists have refused to face the fact that equal pay for equal work is impossible as long as men rule women, and right-wing women have refused to forget it." *id.* at 67; in reference to "the sex-class system," *id.* at 236; "are right-wing women essentially right that it is indestructible?" *id.* at 237.

The terms of the struggle for reproductive freedom, Dworkin shows, have not included a right to refuse sex. At most they have rested upon an implied right to have sex, to be sexual, as if the fact that the definition and terms of sexuality<sup>15</sup> are *not ours* can be ignored out of existence. As Susan Sontag put it, "The question is: *what* sexuality are women to be liberated to enjoy? . . . Sex as such is not liberating for women. Neither is more sex."<sup>16</sup> In this light, the abortion right has been part of the movement for sexual liberation in the sense of securing heterosexual expression for women on the same terms as men: without consequences. Under conditions of gender inequality, such an abortion right not only saves women from butchery, it frees male sexual aggression. Women of the Left focus only the former need; women of the Right see only the latter danger. Refusing selective blindness, Andrea Dworkin sees that the abortion right appears as a moment in the liberation of women just as it becomes a moment in the subordination of women—progress, but the exact opposite of change. Giving men more control over sex meant giving women more control over reproduction, most of which reverted to doctors, husbands, fathers, or is in the process of being reclaimed by the state through regulation.<sup>17</sup> This, surely, must be what is meant by reform.

We need to understand how dominance becomes more entrenched with each advance against it; how each reach toward empowerment turns to powerlessness in our hands; how every improvement makes the condition of women less unbearable but seemingly never changed. Pursuing Dworkin's substantive challenges to law and policy is a beginning. If the home, men's refuge, is the place of battery, marital rape, and women's exploited labor, "that open grave where so many women

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15. I did not say "that sexuality" but rather simply "sexuality" for a reason. The reason is not to essentialize sexuality, but to define it according to its social meaning, a relational and specific rather than essentialist concept. It is to make the point that to deal with "that sexuality" that male power constructs is to deal with "sexuality" itself. Sexuality, in this view, is a social construct. This approach expresses a substantive account of male dominance. In male dominant societies, a term which describes most if not all societies, men make dominant meanings in their own interest. The social meaning of the sexual relation, that is of *sexuality itself* in such societies, fuses eroticism with power. Under such conditions, sexuality defines a major part of what power itself means. This power relation—this meaning of sexuality—is fused, again by its social meaning, with gender. This becomes what gender means, gender also being a construct of its social meaning. How to account for divergent meanings imagined by powerless people, how specifically to account for an experience or possibility of sexual freedom for women *without changing these conditions*, is a real question. What can freedom mean under conditions of inequality?

16. Sontag, *The Third World of Women*, 40 *Partisan Review* 188 (1973) (order reversed).

17. *City of Akron v. Akron Center for Reproductive Health, Inc.*, 651 F. 2d 1198 (6th Cir. 1981), cert. granted, 102 S.Ct. 2266 (1982) (No. 81-746).

hide waiting to die,"<sup>18</sup> what of the law of privacy, which protects the sanctity of that same place, those same relations. that same private sphere? If "women live in a system in which sex is forced on them and the sex is intercourse,"<sup>19</sup> if " . . . passive acquiescence is the standard in normal intercourse [so] it becomes proof of consent in rape,"<sup>20</sup> what of the consent defense? What of the rape law altogether? If pornography silences women, denies women speech, what good is the first amendment? If the anti-abortionist agenda leads to sterilization of women "undesirables," if welfare laws exploit women's bodies on "the farming model,"<sup>21</sup> will due process of law be sufficient? What are the implications of Dworkin's insistence upon "one absolute standard of human dignity"<sup>22</sup> for the law of equal protection?

*Right-Wing Women* combines deep policy analysis with compelling advocacy and connects an analysis of sexual domination with racism and economic exploitation. An exemplary act of feminism, this book is as much *to* women as about us. On the surface Andrea Dworkin's most conventionally political book, *Right-Wing Women* is a subtle discourse on complicity. By showing how women of the Right are destroyed in order that they be saved, she faces all women's survival stake in the system that is killing us.

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18. Dworkin, *The Bruise That Doesn't Heal*, 3 *Mother Jones* 36 (July 1978).

19. *Right-Wing Women*, *supra* note 8, at 80.

20. *Right-Wing Women*, *supra* note 8, at 86.

21. *Id.* at 174-75, 184-88.

22. *Id.* at 216. *See also id.* at 216-20.

