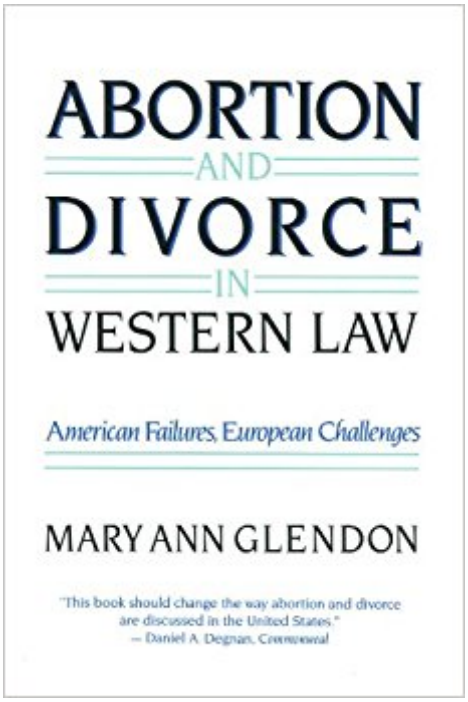
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Abortion And Divorce In Western Law



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Synopsis

What can abortion and divorce laws in other countries teach Americans about these thorny issues? In this incisive new book, noted legal scholar Mary Ann Glendon looks at the experiences of twenty Western nations, including the United States, and shows how they differ, subtly but profoundly, from one another. Her findings challenge many widely held American beliefs. She reveals, for example, that a compromise on the abortion question is not only possible but typical, even in societies that are deeply divided on the matter. Regarding divorce, the extensive reliance on judicial discretion in the United States is not the best way to achieve fairness in arranging child support, spousal maintenance, or division of propertyÃ¢â ¬â ¢to judge by the experience of other countries. Glendon's analysis, by searching out alternatives to current U.S. practice, identities new possibilities of reform in these areas. After the late 1960s abortion and divorce became more readily available throughout the WestÃ¢â ¬â ¢and most readily in this countryÃ¢â ¬â ¢but the approach of American law has been anomalous. Compared with other Western nations, the United States permits less regulation of abortion in the interest of the fetus, provides less public support for maternity and child-rearing, and does less to mitigate the economic hardships of divorce through public assistance or enforcement of private obligations of support.Glendon looks at these and more profound differences in the light of a powerful new method of legal interpretation. She sees each country's laws as part of a symbol-creating system that yields a distinctive portrait of individuals, human life, and relations between men and women, parents and children, families and larger communities. American law, more than that of other countries, employs a rhetoric of rights, individual liberty, and tolerance for diversity that, unchecked, contributes to the fragmentation of community and its values. Contemporary U.S. family law embodies a narrative about divorce, abortion, and dependency that is probably not the story most Americans would want to tell about these sad and complex matters but that is recognizably related to many of their most cherished ideals.

Book Information

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Customer Reviews

This book should change the way abortion and divorce are discussed in the United States. (Daniel A. Degnan Commonweal)Ms. Glendon is an intelligent and humane scholar, and her argument is mounted with admirable incisiveness. (Paul Robinson New York Times Book Review)Brilliant...[Glendon's] application of Clifford Geertz's notion that law is a 'culture system,' a 'story' by which society interprets itself is nothing short of dazzling. The 'story' Professor Glendon tells is a chilling one: society stumbles unintentionally towards atomization and nihilism. (Andrew M. Greeley)[An] extraordinary study...The courageous goal of Mary Ann Glendon's book is precisely to try to resurrect the idea of law as educational...[Ours is] a nation bitterly engaged in a fight over abortion and over a divorce law that imposes hardship on the very parties that looked to it as an engine of liberty. Abortion and Divorce in Western Law, a serious and compassionate book, shows us that another way is both possible and eminently sensible. (Daniel Casse Commentary)

Mary Ann Glendon is Learned Hand Professor of Law at Harvard Law School.

Mary Ann Glendon tackles a very difficult task with great care and precision - she attempts to engage in a conversation about two very emotional and complex subjects which usually find people either at polar extremes from one another or completely ambivalent and ignorant of the real discussion at hand - these two issues are abortion and divorce. To embark on this conversation, Glendon suggests that we consider not how America has addressed these issues, but rather how the rest of the Western world has done so through their laws and regulations - and she does so with great precision.Would you be surprised to discover that the United States has the most liberal laws regarding both the regulation of abortion and the application of divorce in the entire western world?! I was. But Glendon doesn't just stop with the comparison, she seeks to examine how and why this situation exists and it is through her careful examination that one can learn how to better address and speak to these complex and controversial subjects here in America.The book is not an easy

read, but I believe it is an important read for everyone wanting to not merely understand the current situation of abortion and divorce on demand, but also wish to change the present landscape on these issues. Glendon realizes that changing any one law isn't going to change the perception or attitude of an entire country, but she does realize that something must be done and she seeks to better prepare and equip those entering into the fray with solid background information that can be used to advance much needed change in these areas.

Mary Ann Glendon is among the most talented members of the faculty of the Harvard Law School, and this book is a detailed comparison of abortion and divorce laws in the major developed nations. Such a comparison leads to the conclusion that American law on these matters is the most extreme in the developed world. Glendon then argues that the peculiar extremity of our legal situation reflects the deficiencies of a constitutional order that places unprecedented importance on rights, a contention which is further developed in her book, Rights Talk. This book is very valuable in dispelling the notion that where we Americans stand with regard to abortion and divorce is simply consistent with the law of other Western nations.

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