

RESEARCH REPORTS

Reviews of new research by public agencies and private institutions

“Abortion and Divorce in Western Law.”

Harvard Univ. Press, 79 Garden St., Cambridge, Mass. 02138. 197 pp. \$25.
Author: Mary Ann Glendon

Until two decades ago, most Western nations imposed tight restrictions on the termination of both marriages and pregnancies. Abortion was allowed only if the mother's life was in danger; divorces were usually granted by the courts only on grounds of “marital offenses”—cruelty, adultery, or desertion.

Since then, curbs on abortion and divorce have been reduced. But U.S. courts, particularly with abortion, have been far more permissive than their European counterparts. Why have Americans and Europeans diverged in their handling of these basic family issues? Glendon, a Harvard Law School professor, argues that the answers are to be found not as much in law as in political philosophy.

Most Western nations began to relax abortion regulations during the 1960s. But with the Supreme Court's 1973 decision in *Roe v. Wade*, Glendon notes, the United States became the *only* Western nation to decide there is a “constitutional right to abortion.” Because *Roe v. Wade* established that abortion is constitutionally protected (until the fetus can live outside the womb, i.e. 24–28 weeks old), subsequent attempts by state legislatures to reimpose some restrictions (such as requiring a doctor's consent) have regularly been struck down by the courts.

European courts and legislatures have approached the abortion issue not in the American fashion—as a problem of individual “rights” (of parents, and of unborn children)—but in terms of the *state's* interest in protecting new human life. For example, in 1974 the West German Constitutional Court overturned a statute that allowed abortion until the fetus was 12 weeks old. The court ruled that “life developing in the womb” was constitutionally protected, and that the old law “did not sufficiently regis-

ter disapproval of abortion in principle.” Even Sweden, which has Western Europe's most liberal laws, mandates prior counseling if a fetus is more than 12 weeks old and requires government approval after the 18th week of pregnancy.

Laws regulating the termination of marriage have been liberalized in ways analogous to those regulating the termination of pregnancy. Nations such as England and France, which once allowed marriages to end only if a spouse was at fault (as in adultery), now permit the divorce of an “innocent” partner, requiring merely that the couple live apart for an extended period (in France, up to six years). Sweden, Canada, and 18 U.S. states have gone further: Divorces, which can be granted on “no-fault” grounds, may take effect with less than a year's notice from either spouse.

Glendon observes that these steps have transformed the “legal definition of marriage” from “an enduring relationship” to a partnership “terminable at will.” The United States, by allowing judges near-absolute discretion in setting alimony and child-support payments, has generally favored husbands over wives: Men, typically having more money, can spend more for lawyers than their mates.

Glendon proposes rewriting U.S. abortion and divorce law in ways that would communicate “the right way to live.” States, rather than the Supreme Court, should be free to set their own abortion rules, which would probably be more restrictive than *Roe v. Wade*. The United States might imitate the Europeans by setting child-support and alimony payments according to fixed tables, rather than at a judge's discretion. Only by such actions, Glendon maintains, can government convey messages of “social solidarity” that will help to curtail abortion and divorce.

“Corrective Capitalism: The Rise of America’s Community Development Corporations.”

The Ford Foundation, 320 East 43rd St., New York, N.Y. 10017. 88 pp.
Authors: Neal R. Peirce and Carol F. Steinbach

The “war on poverty” might well be won not by a massive effort from Washington, but through the steady, persistent effort of hundreds of locally-based community development corporations, or CDCs.

These organizations, report Peirce, a syndicated columnist, and Steinbach, an urban affairs journalist, act as “charity and capitalist and community organizer at the same time.” They have proven a durable way both to rebuild depressed neighborhoods and to provide jobs for poor people.

A community development corporation is a nonprofit group whose purpose is to renew the neighborhood in which it is based by rehabilitating buildings, establishing new businesses, and creating jobs for residents. In 1966, senators Robert F. Kennedy (D.-N.Y.) and Jacob Javits (R.-N.Y.) sponsored a law creating a federal program to provide funds to CDCs, such as New York City’s Bedford-Stuyvesant Restoration Corporation and The Woodlawn Organization in Chicago. By 1980, federal programs gave CDCs \$2.6 billion.

Reagan budget cuts (which reduced spending on CDCs to \$1.1 billion in Fiscal Year 1987) forced these organizations to become more entrepreneurial. They largely replaced lost federal grants with money from foundations, corporations, churches, and city and state governments. Notable boosters: the Enterprise Foundation, created by developer James Rouse, and the Local Initiatives Support Corporation, a Ford Foundation spin-off that spent \$23 million in 1987.

Today, the 3,000 to 5,000 CDCs are, with other nonprofit groups, the main source of new low-income housing. They have helped revive both blighted urban sites (Pittsburgh’s north side, Chicago’s West Garfield Park) and run-down rural areas (in eastern Kentucky and elsewhere). By expanding community control over development, they have also helped defuse opposition to “urban renewal.” “One can’t very well hurl his body into the path of an oncoming bulldozer,” the authors note, “when he (or she) is the developer.”

“American Mainline Religion: Its Changing Shape and Future.”

Rutgers Univ. Press, 109 Church St., New Brunswick, N.J. 08901. 279 pp. \$27.
Authors: Wade Clark Roof and William McKinney

The fracturing of American cultural and social life that took place during the 1960s affected many institutions, from colleges and universities to national political parties. But the organizations most scarred by the upheavals of those days may have been the nation’s Protestant churches.

Roof, a sociologist at the University of Massachusetts, and McKinney, a professor of religion and society at the Hartford Seminary, see the 1960s as an era marked by “the collapse of the middle”—a broad transfer of power from centrist, “establish-

ment” organizations to competing interest groups on the Left and the Right.

In religion, the effects have been marked. Protestant denominations in general have lost ground. (In 1952, 67 percent of Americans were Protestant; today, only 57 percent are.) Yet the tumult of the 1960s afflicted some more than others. The denominations that were once ascendant—the doctrinal liberals (Episcopalians, Presbyterians, and the United Church of Christ) and moderates (Methodists, Lutherans, Northern Baptists)—have lost

members and influence, both to more conservative denominations (Southern Baptists, the Churches of Christ, Seventh-Day Adventists) and to the swelling ranks of the unchurched.

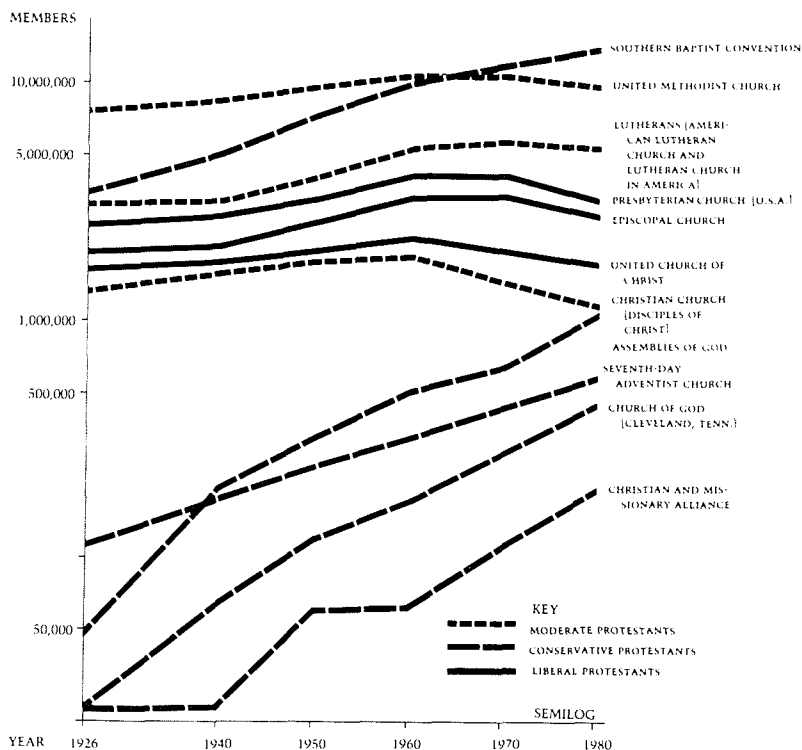
Throughout most of America's history, the primary divisions among Protestant churches were by ethnic origin, geographical location, and class. Some of these distinctions still hold. Sixty-one percent of Lutherans still live in the Midwest, for example, and 69 percent are of German or Scandinavian origin. Old racial patterns persist. Eighty-five percent of black churchgoers worship in their own churches; the average black membership in a "white" denomination is between two and three percent, making churches

"among the most segregated major institutions" in the United States. (The exceptions: Northern Baptists and Seventh-Day Adventists, 27 percent of whose communicants are black.)

Other demographic divisions are less sharp than they were in the past. For example, Episcopalians were once largely confined to New England. Today, however, 30 percent live in the South, while only 34 percent remain in the Northeast.

Switching churches (or the "circulation of the saints") has become more common. The members whom conservative denominations have gained tend to be young, less educated people with a strong interest in traditional values. Although moderate and liberal churches have lost ground, some of

GROWTH PATTERNS FOR SELECTED DENOMINATIONS.



Note: In 1952-85, the percentage of all U.S. regular church/temple attendees who were Catholic rose from 25 to 28; the Jewish share fell from four to two percent.

the liberal losses have been offset by social climbers who seek to "trade up" to higher-status denominations (e.g., the Episcopal church) as their incomes rise.

The authors expect that the liberal and moderate churches will continue to lose "market share" as young people continue to choose either conservative Protestant rivals or nonaffiliation. Sixteen percent of Americans born around 1900, for example, were Methodists, but only 7.7 percent of people born between 1958-1965 are. Birthrates among liberal and moderate Protestants are far lower than they are among members of conservative denomina-

tant woman under age 45 has had two children; the average liberal churchgoer in that bracket has had 1.6. Forty-six percent of Episcopalians are now over age 50, up from 36 percent in 1957.

For all but the conservative Protestants, the authors conclude, demographics and "secular drift" have resulted in steadily declining influence, particularly in the liberals' case. Once-vibrant religious denominations, which established many of the nation's colleges and schools, hospitals and charities, and championed causes ranging from the temperance movement of the 1890s to the civil rights movement of the 1960s, "now seem distant entities."

"Auto Safety Regulations: Hazardous to Your Health?"

The Heartland Institute, 59 East Van Buren St., Ste. 810, Chicago, Ill. 60605. 28 pp. \$4.50. Authors: John Semmens and Dianne Kresich

Americans spend up to \$15 billion each year on making roads and cars safer. But do these investments actually improve safety? Semmens, an economist with the Arizona Department of Transportation, and Kresich, a transportation analyst for the city of Mesa, Arizona, think not.

Since the passage of the National Traffic and Motor Vehicle Safety Act in 1966, they argue, government planners have been obsessed with an "engineering model." It assumes that all safety problems can best be solved either by tougher requirements (such as mandatory seat belts) or by refining highway or car design.

This approach, the authors contend, creates as many safety problems as it solves.

U.S. highway fatalities *have* fallen—from 17.9 per 100 million vehicle miles in 1925 to 2.5 per 100 million in 1986. The authors point out that the death rate, by this miles-driven measure, has *steadily* declined by three percent a year for more than 60 years; thus the drop must be due not to regulatory steps, but to other factors, including increased driver compe-

tence. If more stringent regulation increases safety, they ask, why did the highway death rate *rise* in population terms from 19.1 per 100,000 people in 1925 to 19.3 in 1986?

Moreover, well-intentioned safety measures may yield "undesirable results." The more time police spend chasing speeders and flouters of seat-belt laws, the less time they have to pursue violent criminals. Mandatory seat-belt use may, by promoting the illusion of safety, inadvertently encourage reckless driving, thereby raising the odds that pedestrians and cyclists may be injured by cars. Britain passed a mandatory seat-belt law in 1983; by 1985, while deaths of drivers fell by 18 percent, deaths *rose* by eight percent among pedestrians and by 13 percent among cyclists.

The authors believe that what holds road deaths down is not so much the "engineering" away of hazards through regulation as the awareness of drivers of the perils they face. "Psychology," they believe, "may be more important than technology" in improving highway safety.

“Fair Shares: Bearing the Burden of the NATO Alliance.”

Center on Budget and Policy Priorities, 236 Massachusetts Ave. N.E., Ste. 305, Washington, D.C. 20002. 87 pp. \$10.

Authors: Gordon Adams and Eric Munz

Since the 1960s, many American critics of U.S. defense policy have argued that the West European partners in the 39-year-old NATO (North Atlantic Treaty Organization) alliance are not shouldering their “fair share” of its military burden.

The argument: Since the Europeans’ economies have fully recovered from the devastation of World War II, they can and should pay more of the cost of their own defense against possible Warsaw Pact attack. If they did, the United States’ military presence in Europe could be reduced. Spurred by such critics as Senator Mike Mansfield (D.-Mont.) during the 1960s and ’70s, and Senator Sam Nunn (D.-Ga.) and Representative Patricia Schroeder (D.-Colo.) during the 1980s, Congress has passed several resolutions calling for reductions, notably among the 204,700 U.S. Army troops in West Germany.

Adams, director of the Defense Budget Project at the Center on Budget and Policy Priorities, and Munz, a consultant, find that the “burden-sharing” debate would remain murky even if the 15 NATO partners could agree on “what a ‘fair’ distribution” of the defense load “would look like.”

By any measure, the U.S. share is disproportionately large.

In 1986, the most recent year covered by the authors’ study, the United States accounted for 40 percent of the NATO nations’ total population and 54 percent of their combined gross domestic product (GDP). The U.S. share of the countries’ total defense spending has been much higher—in 1986, nearly 69 percent. Though below the 74 percent reached in 1968 (when Vietnam War outlays peaked), that number, thanks to the Carter-Reagan defense buildup, is well above its 1976 low of 62 percent. On a per capita basis, U.S. defense spending rose from \$758 that year to \$1,120 in 1986.

Among other large NATO countries, Britain is the only one whose share of the

alliance’s defense spending even *equals* its share of its GDP (both about seven percent in 1968). NATO’s Continental partners are more parsimonious. In 1986, for example, West Germany accounted for 10 percent of NATO’s population and 11.5 percent of its GDP—but only seven percent of its defense spending. The authors observe that other large nations (such as France and Italy) “have not greatly varied their level of GDP committed to defense since 1969.”

But precise judgments about who is, and is not, contributing a “fair share” are difficult to make. For example, many European nations use conscripts, who are paid less than men and women in the all-volunteer U.S. forces; this may account in part for their lower defense spending.

By some measures, moreover, the Europeans’ “burden-sharing” is considerable.

As of July 1986, those nations supplied precisely 76.5 percent of NATO’s main battle tanks, 83.3 percent of its combatant ships, and 92.3 percent of its heavy artillery. And some countries contribute more to the alliance’s strength in the field than their defense budgets would suggest.

On the U.S. Department of Defense’s “Division Equivalent Firepower” (DEF) scale, a measure of the effectiveness of unit weaponry, American forces get the top score (28.3) in NATO, but next (at 15.7) come the West Germans. Despite Bonn’s relatively low outlays, the German Panzer divisions, with their modern Leopard II tanks, are more combat-capable than any other West European ground forces. (The British Army’s DEF score is only 8.1; the Dutch, at 2.6, bring up the rear.)

If comparative military contributions to NATO are hard to gauge, the value of *political* benefits—such as West Germany’s remaining a Western ally instead of becoming neutral—are impossible to quantify. No “bean counts,” the authors conclude, will ever settle the question of what, exactly, a “fair” share of NATO’s burden is.