

World War II proved to be another trying time for the ACLU, with many liberals and even some pacifists opposed to its defence of conscientious objectors. Baldwin sought to maintain cordial relations with federal agencies, an approach that troubled some board members, including Norman Thomas. The ACLU responded hesitantly to the internment of Japanese Americans and Japanese aliens but did seek to improve the status of internees, albeit to little avail. ACLU members outside New York, like Ernest Besig and A.L. Wirin of the Northern California and Southern California affiliates, respectively, attempted to contest the actual internments. A similar conflict appeared at the national level regarding the prosecution of native fascists, once more pitting, in Kutulas's words, relativists against absolutists. The ambitions of the ACLU only broadened after the war, with Baldwin determined to protect the rights of black Americans and workers and to assist both Japan and Germany in laying a foundation for civil liberties. The ACLU remained splintered, divided between an anti-communist wing and another group even more hostile to communists. Distressing too were Baldwin's inept administrative bent and his authoritarian makeup in dealing with staff members. The ACLU hardly adopted a staunchly civil libertarian perspective regarding the ability of communist teachers to remain in the classroom, the federal loyalty oath program, Congress' investigation of the Hollywood film industry, and the federal prosecution of Communist Party leaders. The organization failed to support the commutation of the death sentences meted out to Julius and Ethel Rosenberg, vacillated about deportation hearings pertaining to labor leader Harry Bridges, and refused to contest the denial of a passport to entertainer-activist Paul Robeson. Meanwhile, affiliates chafed at policies determined by the National ACLU, opposing its anticommunist fixation, as the organization grew under new leadership during the 1950s. Now guided by Patrick Murphy Malin, the ACLU sought to create a genuinely national organization that would have greater legislative influence.

*The American Civil Liberties Union and the Making of Modern Liberalism, 1930-1960* joins the small body of essential works examining the ACLU and its relationship to the once dominant strand of thought in the United States. It joins earlier studies by Samuel Walker, Donald Johnson, and Peggy Lamson that grapple with the complexity of the nation's leading civil liberties organization and its relationship to both liberalism and radicalism.

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**David L. Tubbs, *Freedom's Orphans: Contemporary Liberalism and the Fate of American Children* (Princeton NJ: Princeton University Press, 2007).**

In *Freedom's Orphans: Contemporary Liberalism and the Fate of American Children*, David L. Tubbs critiques contemporary American liberalism, arguing throughout that

“personal freedom of adults” has routinely outweighed the “competing interests of children” (17). Each of his five chapters provide a venue for dissecting and criticising the writing of liberal theorists or the judgments from various Supreme Court cases.

Tubbs holds that all children, defined as those seventeen and under, are dependant and impressionable, requiring more than just shelter and food. Through an examination of the arguments of liberal theorists and liberal jurists of the Supreme Court, he argues that “the exercise of certain freedoms by adults – including some freedoms having the status of constitutionally protected rights – ...adversely affect children” (4). He laments “a growing indifference to what were long considered important elements of the welfare of children” that “can be seen at the highest levels of law and academic political theory” (5). Although historically American liberalism has defended the interests of children, he sees a shift in the post-World War Two era liberalism that has become “indifferent to what were previously considered crucial elements of the welfare of children” (12).

Tubbs sees a moral reticence within contemporary liberalism that is detrimental to children due to its defence of “unhindered choice” (13). He sees contemporary liberalism as “morally reticent.” Theorists reluctant to “distinguish between the good and the bad use of legally protected freedoms” confuse “responsible and irresponsible exercise of freedom” (20). Liberalism has become increasingly more permissive, allowing moral reticence to pose an unprecedented danger to children due to their dependence and impressionability. Liberals no longer acknowledge “responsibilities and possible abuses of freedom” (36).

Tubbs tries to show how liberal feminism has undermined the interests of children. His treatment of the writing of feminist theorist Susan Moller Okin is condescending and churlish, dismissing her arguments as “unpersuasive” and “underdeveloped,” (59) stating “we can hope that Okin would recognize the reasonableness of such concerns, but that might be expecting too much” (93). On Okin’s defence of a woman’s fundamental right to make decisions regarding her sexuality and reproduction, Tubbs posits that “as a moral argument this line of thinking is underdeveloped since it nowhere considers the possibility that the fetus or unborn child might also be an ‘equal citizen’” (59). Men, he asserts, could use the argument of women’s reproductive rights to absolve themselves of responsibility, leading to “diminished life prospects of children in single-parent families” (77). The state, he stresses, should not assume responsibility for an absent parent. Rather, the state should ensure that a child is supported by two “lawfully married” heterosexual parents (79).

Tubbs perpetuates stereotypes of homosexuality and promotes homophobia while arguing that same-sex unions discount children’s interests, that “behaviour, norms, and living arrangements of same-sex couples might affect other persons in society, especially women in real marriages and children being raised by homosexuals” (84). Homosexuals, he asserts, do not support an expect-

tation of “love and sexual exclusivity” (82) between partners, maintaining that “indifference to real fidelity in so many homosexual relationships should have an impact on the moral development of children” (84). He criticises arguments supporting “the freedom of homosexuals to “marry” and adopt children and avail themselves of new reproductive technologies to start their own families,” as being “grounded in both liberalism and feminism,” that attempt to “enlarge the scope of individual freedom” while trying to “dismantle” or “confound” gender by attacking conventional sex roles” (60). He discounts Okin’s research, charging that she exaggerates gender inequalities in marriage and confuses “potential” and “actual” injustice (71). Attempting to discount her work, not to mention the lives of many women and homosexuals, by littering his criticism by enclosing terms such as “gender” or “gay” or homosexual “unions” in unnecessary quotation marks, he condescendingly employs phrases such as “Okin should admit” or she “needs to be mindful,” (71) while unfoundedly and inaccurately claiming that “in many places” she “overstates the historical subordination of women” (73). In short he fails to convince that a defence of reproductive rights for women, and the right to parent in a family of one’s choice, has fundamentally neglected children’s interests.

According to Tubbs the Supreme Court “wrongly decided” (100) three cases legalizing the sale of contraceptives (*Griswold v Connecticut*; *Eisenstadt v Baird*; and *Carey v Population Service International*), establishing the “right to privacy,” or promiscuity (13). The Supreme Court failed in its duty to promote the “monogamous two-parent family as a social norm and as the family structure most conducive to the welfare of children” (100). He criticises the Court for not considering children’s interests as it “failed to explore the link between one’s freely consenting sexual relations and basic parental duties” (100). Furthermore, the court did consider the “diminished life prospects of children issuing from non-marital relations” (100). Restricting the sale of contraceptives, he believes, protected children by discouraging promiscuity.

Tubbs criticises the Supreme Court’s approach towards reproductive technologies for heterosexual, homosexual and single women that did not ask if “such arrangements are consistent with basic interests of children” (136). “Several justices” of the Supreme Court according to Tubbs support “unhindered choice” (13) while “disregarding important interests of children” (99). In his view the Court should not have been involved, leaving state legislators in control of local policy. Tubbs maintains that attention to “right to privacy” negatively affects the “life prospects” of children while discounting their interests.

The Supreme Court draws his criticism for characterizing children sometimes as impressionable and dependent, and other times considers them to have moral abilities of an adult. He contrasts an impressionable child who should, according to Court decision, not be exposed to the bible in school, with the child who, when “incidentally” exposed to hard-core pornography, be able to exhibit strong moral fortitude and be unaffected. The Court has stopped taking into

account “the susceptibilities of the young” (210).

Tubbs does see the possibility of a liberalism that is not detrimental to children. Freedom does not depend on individual liberties that harm children. He acknowledges a “value-pluralism movement within liberalism” that suggests a new liberalism that considers personal freedom and individual rights important, while allowing a restriction of adults’ rights to safeguard children. Legislators, not the courts, should ensure that a balance between competing rights is effected.

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**Linda Gordon, *The Moral Property of Women: A History of Birth Control Politics in America* (Urbana, IL: University of Illinois Press, 2007).**

In updating and revising her classic 1976 study of reproductive rights, *Woman’s Body, Woman’s Right*, historian Linda Gordon provides an illuminating and timely addition to our understanding of the intersection between gender equality and reproductive control, which she designates “the single most important factor in the material basis of women’s emancipation” of the past century (3). A social history of birth control and the quest for female sexual freedom, her book offers an in-depth analysis of four distinct phases of the birth control movement: the nineteenth century campaign for ‘voluntary motherhood’, which paralleled the drive for suffrage; early twentieth century links between birth control advocacy and radical movements, primarily socialism, that sought to ‘empower the powerless’—poor people and women; the shift away from radicalism into mainstream liberalism from the 1920s through the 1970s, especially through the family planning concept promoted by the Planned Parenthood Federation, the only national birth control organization until abortion reform in the 1960s; and, finally, the post-1970s politics of reproductive rights, with special attention to the role of the Christian right. Gordon’s core argument is that reproductive control has always been central to women’s status, and opposition to it a fundamental component of opposition to gender equality.

Gordon deftly weaves her narrative through the historical landscape of nineteenth and twentieth century America, linking reproductive issues to the Great Depression, two world wars, and to ideological influences like progressivism (which was less concerned with feminism, Gordon suggests, than with elitism—hence its association with the eugenics movement and its emphasis on selectivity—producing babies “of great merit” rather than merely reducing overall birth rates) (174). Such elitism survived the demise of the progressive movement and continued to permeate birth control discourse and policy: in the 1940s and 1950s, Planned Parenthood urged mothers to stay at home and concentrate on raising smaller, “better” families with the help of contraceptives (276).