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"Remembering Public Life: Writing Policy into Biography"

"Our craft is best practiced, according to the traditionalists among us, when we stay off the streets, out of legislative corridors, and away from the tape recorder," commented Jane De Hart in 1993. Graciously defiant, De Hart has shaped her academic career by moving carefully through the forbidden paths of contemporary history. Comfortable in legislative corridors and many a street, she has demonstrated the benefits of keeping a tape recorder close by, most notably in her 1990 co-authored book, *Sex, Gender, and the Politics of ERA*. Navigating the choppy waters of the Equal Rights Amendment (ERA) ratification process even prior to its 1982 death knell, De Hart did not let "contemporary passions cool" before documenting this policy history. Instead, she exhibited what she calls "probationary restraint" during lengthy interviews with ERA opponents and supporters, taking the viewpoints of antiratificationists seriously even though they did not match her own.[1] De Hart demonstrated what legislative ethnography might look like, analyzing what she described as the nuanced meaning "of belief in the self-understanding of observers."[2] Fully aware that "memory is an act of imagination," De Hart nevertheless determined to locate significant reoccurring patterns in memory in order to gain understanding of the equally messy and layered process of legislative development.[3] Oral interviews, she demonstrated, enable policy historians to measure how individual political actors develop their belief systems, policy agendas, and lobbying strategies, as well as assess how these actors operated within the bounds of prior institutional structures and normative political culture. The only catch is that living subjects talk back.

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Jane De Hart acknowledged as much in her *Journal of American History* essay: "One of the rewards as well as the hazards of writing contemporary history and relying on oral sources is that those sources can talk back."[4] In 1993, she could not foresee the extent to which she would grapple with this problematic aspect of contemporary history in the years to come. Once again, De Hart chose to tackle a project where she could not solely depend on textual archives. This time she determined to scrutinize the early work of one of the most formidable legal figures of our time—Supreme Court Justice Ruth Bader Ginsburg. In De Hart's forthcoming study, *Ruth Bader Ginsburg Before the Bench,* she considers the legal development of sex discrimination cases—such as *Reed v. Reed* (1971) and the lesser known *Struck v. Secretary of Defense* (1972)—which Ginsburg litigated as director of the ACLU's Women's Rights Project. ACLU records provide clues about how Women's Rights Project lawyers argued sex discrimination cases, just as Supreme Court records reveal how Justices reacted to oral arguments and crafted their opinions. Tracing Court and organizational records could not, however, reveal the legal consciousness of the ACLU's leading litigator. Faced with a reluctant subject, DeHart turned to indirect ways to gather information about a woman who did not want a biography, compelling Ginsburg to fill in details only she could provide.

What do Ginsburg and De Hart's careful conversations tell us about working with contemporary public figures before they conceive themselves to be historical subjects? To address this methodological difficulty, I consider De Hart's work-in-progress as well as my own political biography of Congresswoman Bella Abzug. Although Abzug has passed on, this quandary still exists because her legacy is closely guarded by devoted family, friends, and followers. Like Ginsburg, Abzug was keenly aware of her iconic status. In interviews conducted by Columbia University oral historians, for example, she carefully crafted her answers to match the political biography she had often repeated to reporters. Thus, both De Hart and I must grapple with how to get beyond the surface of these larger-than-life public figures, as well as how to read the celebratory narratives provided by adoring family and colleagues. Second, we both consider Ginsburg and Abzug not solely as biographical subjects, but as mediums through which historians can assess major shifts in jurisprudence, policy development, and political culture. Our research raises these questions: What is the advantage of approaching policy and legal history through biography? What might new political biography look like? And what obstacles are political historians likely to encounter when using biography as a form of microhistory?

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Shunned to the sidelines, dismissed as popular history since the sociocultural turn, biography has been the black sheep of the historical field. Only a handful of recent articles consider the craft of biography in relation to policy, political, or legal history.[5] Nevertheless, a biography renaissance is under way. If one looks to the specialization of women's history, for example, the past few years have been golden. In 2007, the Radcliffe Institute devoted its inaugural summer workshop on gender and history to this genre, the 2008 Berkshire Conference of Women Historians offered a seminar on biography, and the *Journal of Women's History* has a special issue on its way.

Biography is positioned to be a main contributor to what Meg Jacobs and Julian Zelizer call a new direction in political history: the joining of sociocultural political history with new institutionalism. This new political history examines the "complex institutional settings within which political elites operated," broadening study "beyond presidencies to include: bureaucracies, legislators, staffers, experts, and policies."[6] Joining this institutional focus, these new studies also consider policymaking beyond the Beltway, exploring how nonelite groups and political dissenters shape American democracy. It is no easy task to measure how political elites and nonelites operate within inherited institutional frameworks while simultaneously assessing the influence of informal and external political forces. Biography—as the most diminutive form of microhistory—provides historians with an excuse to analyze the minute details of legislative development while also keeping an eye on greater political shifts. Since a life carries us longer than a congressional session or presidential administration, historians can study the roots of legislative developments more broadly. And since the biographical subject moves inside and outside political institutions, this method of studying policy history is less insular, requiring more attention to public opinion, economic interests, or cultural behavior. Through a subject's challenge of the justice system or policy process, historians can see most intimately how, far from neutral, "law is politics," as Laura Kalman quipped.[7] And by tracing a subject's advocacy of social change on multiple political fronts, historians can better analyze interactions between branches of government, and the concurrent movement of litigation and legislation.

Consider the lens offered by analysis of Ruth Bader Ginsburg's 1970s sex discrimination legal campaign, the other side of the ERA coin. Ginsburg helped craft the strategy feminist lawyers used to push Supreme Court Justices to recognize and correct gender bias in U.S. law. With each case, Ginsburg sought to move the Justices closer to adopting the same level of "strict" scrutiny to determine if laws promoted sex discrimination that they applied in

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race discrimination cases. De Hart demonstrates how jurisprudence moved in tandem with policy development, considering Ginsburg's attention to both the courts and Congress.[8] She also juxtaposes Ginsburg the law professor with Ginsburg the Supreme Court lawyer, demonstrating the cross-pollination of ideas between the academy, legal defense organizations, and the law itself.

Likewise, my biography of Abzug links multiple 1970s policy histories by a unifying thread—how legislation pertaining to privacy, government accountability, and protection of constitutional rights are rooted in the struggles and lessons of the McCarthy period. Abzug's life story offers a lens through which to assess the "long" policy process of the 1970s. Her most notable congressional acts—such as her call for greater government ethics, challenge of FBI and CIA surveillance, push for Nixon's impeachment, and more-known women's and gay rights legislation—reflect her experience enduring anticommunist attacks as a cause lawyer litigating on behalf of civil rights, civil liberties, labor, and peace during the early Cold War.[9]

Certainly, Abzug's and Ginsburg's formative experiences shaped their later legal and political activism, and it would be easy to fall in step with most other political biographies that trace their subjects from life to death.[10] Venturing beyond the nice linear path of a single life gets methodical historians in a tizzy. Those who push the envelope find themselves necessarily apologetic. In his acclaimed study of Betty Friedan's closeted Popular Front feminist past, Daniel Horowitz felt obliged to preface his book with the disclaimer, "I have not written a biography in any usual sense of that word."[11] His crime: drawing his story to a close just after Friedan wrote *The Feminine Mystique*. De Hart and I have also described our projects as anything but biography—for De Hart, a legal study informed by a few biographical chapters to describe the making of a feminist litigator, and in my case, a legal and political microhistory that just happens to use one individual as a compass to guide the narrative. Historians' continued hesitation to claim their projects as biographies when they challenge the conventions of the genre is rooted in the stubborn staying power of a certain "life-and-death" or "life-and-times" chronological narrative. Yet historical analysis is not well served by this linear model that overlooks contingency, locational politics, and the multidirectional transmission of ideas.

Just as political biography can be more forgiving of the meandering life process, political historians should get over the idea that the best sources are those shrouded by an ample amount of dust. De Hart, for example, attests that her subject's keen memory has filled out her source base where the

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archives could not. During one interview, De Hart questioned Ginsburg about *Roe.* The Justice suggested that De Hart should look at *Struck,* a pregnancy discrimination case she had argued prior to *Roe,* in which she developed an equal-protection argument rather than one centered on privacy doctrine. Analysis of this case would become a significant chapter in De Hart's study.[12] An awareness of a subject's personal motivations, however, should not foreclose historians' use of their subjects as resources. In this instance, Ginsburg cautioned historians to complicate the history of *Roe,* to remember that not all lawyers believed privacy doctrine to be the most effective way to achieve reproductive justice. This example suggests the potential of biographical subjects to profitably and positively shape their story.

Nevertheless, biographical waters are tricky to navigate. Historians must strike a balance between an open ear and a skeptical eye when working with living or much-beloved subjects. This task can be daunting. As the first biographer of Bella Abzug, I walk a tight rope with family, friends, and colleagues, who rarely diverge from the biographical story that she herself told. And when analyzing Abzug's interviews and biographical writings, it is not easy teasing through her rhetorical performance, her exaggeration of importance, and her slandering of foes. A well-versed orator, she knew how to sway a crowd. But to dismiss autobiographical narrative and oral sources as merely ripe with gaps and inconsistencies forecloses the benefits of these sources. All sources are slanted, and it is the work of historians to consider the meaning behind these constructions, these particular fabrications and exaggerations of memory. As De Hart argues: "Extensive reliance on oral evidence need not confirm the superiority of document-driven, chronologically distant history. Rather, the collection and use of oral evidence can enable us to see more clearly the problematics of all evidence."[13]

As we reshape the contours of feminist biography, we can return to the well-mined genre of political biography with fresh purpose. Women's historians' initial search for lost "remarkable" women in the 1970s had the adverse effect of canonizing a privileged group of great white women to sit alongside the old boys who dominated tired historical tomes. It is no wonder that social and cultural historians sounded the alarm, pushing focus to frontline activities of "ordinary" or "marginal" women. Drawing upon the rich methodological and conceptual insights fostered by this turn away from biography, we can now ask: How might biography of political figures be transformed if one exposes the ordinariness in their extraordinary? And what historical insights can be gained from knocking the remarkable out of greatness?

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In reframing political biography, we need to disrupt the notion that textual sources are the essence of historical research. We need to think about the insights that can be gained from reading memory not as a simple and incomplete record of the past, but as a tool read to reveal the complexity of the life process. Likewise, we need to consider the life process as a particularly illuminating means through which to study the intricacies of the policy and legal processes. Finally, we need to consider biography as a forum for policy historians to connect beyond our intellectual communities to the greater public. A compelling life narrative continues to allure. If historians could ingeniously weave a legislative history into the biographical fold, readers apt to pass over C-Span might well become policy junkies.

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NOTES

1. For all prior quotes in this paragraph, see Jane Sherron De Hart, "Oral Sources and Contemporary History: Dispelling Old Assumptions," *Journal of American History* 80, no. 2 (September 1993): 582–95, 582.

2. Donald G. Mathews and Jane Sherron De Hart, *Sex, Gender, and the Politics of ERA* (New York, 1990), ix.

3. De Hart, "Oral Sources and Contemporary History," 591–92.

4. Ibid., 594.

5. Representative explorations of biography are Jill Lepore, "Historians Who Love Too Much: Reflections on Microhistory and Biography," *Journal of American History* 88, no. 1 (June 2001): 129–44; Laura Kalman, "The Power of Biography," *Law & Social Inquiry* 23, no. 2 (Spring 1998): 479–530; and "Symposium: National Conference on Judicial Biography," *New York University Law Review* 70 (June 1995): 485.

6. Meg Jacobs and Julian E. Zelizer, "The Democratic Experiment: New Directions in American Political History," in *The Democratic Experiment: New Directions in American Political History*, ed. Meg Jacobs, Julian E. Zelizer, and William Novak (Princeton, 2003), 1–19 (8).

7. Laura Kalman, "Law, Politics, and the New Deal(s)," *Yale Law Journal* 108, no. 8 (June 1999): 2165–2213 (2167).

8. Reva Siegel suggests that this dual strategy reflected "a sophisticated appreciation of how to conduct a public conversation with the American people and the officials responsible for enforcing the Constitution." Siegel, "Constitutional Culture, Social Movement Conflict, and Constitutional Change: The Case of the de facto ERA," *California Law Review* 94 (2006): 46; see also Jane De Hart, *Ruth Bader Ginsburg Before the Bench* (forthcoming).

9. For an overview of Bella Abzug's legislative accomplishments, see the introductory essay to *The Bella Abzug Reader*, ed. Mim Kelber (New York, 2003). See also "Legislative

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Accomplishments, n.d., 1971–76, 92nd Congress," Legislative Files, Box 727; and "Legislative Accomplishments, 93rd Congress, 94th Congress," Legislative Files, Box 728, Bella Abzug Papers, Columbia University.

10. See, for instance, William Chafe, *Never Stop Running: Allard Lowenstein and the Struggle to Save American Liberalism* (Princeton, 1998); and Michael Kazin, *A Godly Hero: The Life of William Jennings Bryan* (New York, 2006).

11. Daniel Horowitz, *Betty Friedan and the Making of the Feminine Mystique* (Amherst, Mass., 1998), 5.

12. De Hart, *Ruth Bader Ginsburg Before the Bench.* De Hart interview. Note legal scholars' recent attention to *Struck,* prompted in part by Ginsburg's public discussion of this case during her Supreme Court nomination. See, for example, Ruth Bader Ginsburg, "Speaking in a Judicial Voice," *New York University Law Review* 67 (December 1992): 1185–1209; and Amy Leigh Campbell, "Raising the Bar: Ruth Bader Ginsburg and the ACLU Women's Rights Project," *Texas Journal of Women & the Law* 11 (Spring 2002): 157–242.

13. De Hart, "Oral Sources and Contemporary History," 594–95.

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